
EXPLANATORY NOTE

(This note is not part of the Order)

This Order adds the eight offences specified in article 2(2) and (3) to Schedule 6 to the Criminal Justice and Court Services Act 2000.

Schedule 6 to the Criminal Justice and Court Services Act 2000 specifies certain offences as trigger offences.

Section 63B of the Police and Criminal Evidence Act 1984⁽¹⁾ (testing for presence of Class A drugs) provides that a sample of urine or a non-intimate sample may be taken from a person in police detention for the purpose of ascertaining whether he has any specified Class A drug in his body, subject to three conditions. The first condition will be satisfied where the person concerned has been charged with a trigger offence.

Section 65 of the Criminal Justice Act 1991⁽²⁾ (supervision of young offenders after release) provides that where a young offender is released from a term of detention he shall be supervised and comply with any supervision requirements, as provided for in a notice of supervision. Where the term of detention was imposed for a trigger offence, the notice of supervision may include a requirement for the young offender to provide a sample for the purpose of ascertaining whether he has any specified Class A drug in his body.

Section 42 of the Powers of Criminal Courts (Sentencing) Act 2000⁽³⁾ (additional requirements which may be included in community rehabilitation orders) provides that the court shall or may include a drug abstinence requirement in a community rehabilitation order where certain conditions are satisfied. If the person concerned has been convicted of a trigger offence the court shall include a drug abstinence requirement in such an order.

Section 47 of the Powers of Criminal Courts (Sentencing) Act 2000 (obligations of person subject to community punishment order) provides that the court shall or may include a drug abstinence requirement in a community punishment order where certain conditions are satisfied. If the person concerned has been convicted of a trigger offence the court shall include a drug abstinence requirement in such an order.

Section 58A of the Powers of Criminal Courts (Sentencing) Act 2000⁽⁴⁾ (drug abstinence orders) provides that the court may make a drug abstinence order and one of the conditions for the court making such an order will be satisfied where the person concerned has been convicted of a trigger offence.

Section 64 of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug testing requirements) provides that one of the conditions for including a drug testing requirement as a condition of release on licence, is that the person concerned has been released from a sentence of imprisonment imposed for a trigger offence.

(1) 1984 c. 60. Section 63B was inserted by section 57 of the Criminal Justice and Court Services Act 2000.

(2) 1991 c. 53. Section 65 was amended by section 63 of the Criminal Justice and Court Services Act 2000.

(3) 2000 c. 6. Section 42 was amended by section 49 of the Criminal Justice and Court Services Act 2000.

(4) 2000 c. 6. Section 58A was inserted by section 47 of the Criminal Justice and Court Services Act 2000.