
Status: This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the Powers of Criminal Courts Act 1973 (repealed), Paragraph 6. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1A

ADDITIONAL REQUIREMENTS IN PROBATION ORDERS]

Textual Amendments

F1 Sch. 1A inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 9(2), 101(1), Sch. 1 Pt. II, Sch. 12, para. 1 (with s. 28); S.I. 1992/333, art. 2(2), Sch. 2

Modifications etc. (not altering text)

C1 Sch. 1A modified (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 16, Sch. 3, Pt. I paras. 1(3), 2(3) (with s. 28); S.I. 1992/333, art. 2(2), Sch. 2

Requirements as to treatment for drug or alcohol dependency

- ^{F16} (1) [^{F2}Subject to sub-paragraph (1A) below,] This paragraph applies where a court proposing to make a probation order is satisfied—
- (a) that the offender is dependent on drugs or alcohol;
 - (b) that his dependency caused or contributed to the offence in respect of which the order is proposed to be made; and
 - (c) that his dependency is such as requires and may be susceptible to treatment.
- ^{F3}[(1A) If the court has been notified by the Secretary of State that arrangements for implementing orders under section 61 of the Crime and Disorder Act 1998 (drug treatment and testing orders) are available in the area proposed to be specified in the probation order, and the notice has not been withdrawn, this paragraph shall have effect as if the words “drugs or”, in each place where they occur, were omitted.]
- (2) The probation order may include a requirement that the offender shall submit, during the whole of the probation period or during such part of that period as may be specified in the order, to treatment by or under the direction of a person having the necessary qualifications or experience with a view to the reduction or elimination of the offender’s dependency on drugs or alcohol.
 - (3) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—
 - (a) treatment as a resident in such institution or place as may be specified in the order;
 - (b) treatment as a non-resident in or at such institution or place as may be so specified; and
 - (c) treatment by or under the direction of such person having the necessary qualifications or experience as may be so specified;

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but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a), (b) or (c) above.

^{F4}(4) A court shall not by virtue of this paragraph include in a probation order a requirement that the offender shall submit to treatment for his dependency on drugs or alcohol unless—

- (a) it is satisfied that arrangements have been [^{F5}or can be] made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident patient); and
- (b) the offender has expressed his willingness to comply with such a requirement.]

(5) While the offender is under treatment as a resident in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.

(6) Where the person by whom or under whose direction an offender is being treated for dependency on drugs or alcohol in pursuance of a probation order is of the opinion that part of the treatment can be better or more conveniently given in or at an institution or place which—

- (a) is not specified in the order; and
- (b) is one in or at which the treatment of the offender will be given by or under the direction of a person having the necessary qualifications or experience, he may, with the consent of the offender, make arrangements for him to be treated accordingly.

^{F6}(7)

(8) Where any such arrangements as are mentioned in sub-paragraph (6) above are made for the treatment of an offender—

- (a) the person by whom the arrangements are made shall give notice in writing to the probation officer responsible for the supervision of the offender, specifying the institution or place in or at which the treatment is to be carried out; and
- (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the probation order.

(9) In this paragraph the reference to the offender being dependent on drugs or alcohol includes a reference to his having a propensity towards the misuse of drugs or alcohol, and references to his dependency on drugs or alcohol shall be construed accordingly.

Textual Amendments applied to the whole legislation

F1 Act repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with **Sch. 11 paras. 1, 2**)

Textual Amendments

F1 **Sch. 1A** inserted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 9(2), 101(1), **Sch. 1 Pt.II**, **Sch. 12**, para. 1 (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**

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- F2** Words in Sch. 1A para. 6(1) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 34(1)**; S.I. 1998/2327, **art. 2(1)(y)(2)(l)**(with arts. 5-8) (which Sch. 8 para. 34 of the 1998 Act is repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, **Sch. 12 Pt. I**)
- F3** Sch. 1A para. 6(1A) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 34(2)**; S.I. 1998/2327, **art. 2(1)(y)(2)(l)** (which Sch. 8 para. 34 of the 1998 Act is repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, **Sch. 12 Pt. I**)
- F4** Sch. 1A para. 6(4) substituted (1.10.1997) by 1997 c. 43, **s. 38(4)**; S.I. 1997/2200, **art. 2(1)(f)** (subject to savings in art. 5)
- F5** Words in Sch. 1A para. 6(4) (both as amended by 1997 c. 43, **s. 38(4)** and so far as that paragraph has effect without that amendment) inserted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 27(6)**; S.I. 1998/2327, **art. 2(1)(w)**
- F6** Sch. 1A para. 6(7) repealed (30.9.1998) by 1998 c. 37, ss. 106, 120(2), Sch. 7 para. 27(7), **Sch.10**; S.I. 1998/2327, **art. 2(1)(w)(aa)(3)(m)**

Textual Amendments applied to the whole legislation

- F1** Act repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

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