



Crime (Sentences) Act 1997

1997 CHAPTER 43

PART II

EFFECT OF CUSTODIAL SENTENCES

CHAPTER I

DETERMINATE SENTENCES

Supervision after release

16 Release supervision orders

- (1) This section applies where—
- (a) an offender who has been sentenced to imprisonment for a term of twelve months or more in respect of an offence committed after the commencement of this Chapter is released otherwise than under section 10 above;
 - (b) an offender who has been so sentenced is released under that section; or
 - (c) an offender who has been sentenced to imprisonment for a term of less than twelve months in respect of an offence committed after that commencement is released under that section.
- (2) On his release, the offender shall be subject to a release supervision order—
- (a) in a case falling within subsection (1)(a) above, for a period equal to 25 per cent of his term of imprisonment (rounded up to the nearest whole day) or a period of three months, whichever is the greater;
 - (b) in a case falling within subsection (1)(b) above, for a period equal to the aggregate of the period mentioned in paragraph (a) above and the period mentioned in paragraph (c) below;
 - (c) in a case falling within subsection (1)(c) above, for a period equal to so much of the remainder of his term as he would have been liable to serve but for his release under section 10 above;

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and in applying paragraphs (b) and (c) above account shall be taken of any early release or additional days awarded to the offender before his release.

- (3) The release supervision order, which shall be made by the Secretary of State, shall provide that, throughout the period for which the order is in force (“the release supervision period”), the offender, so long as he is at large—
 - (a) shall be under the supervision of a probation officer; and
 - (b) shall comply with such conditions as are for the time being specified in the order.
- (4) The Secretary of State—
 - (a) shall not specify any condition which—
 - (i) requires the offender to live in an approved probation hostel; or
 - (ii) makes such provision as is made by a curfew order,
 except in accordance with recommendations of the Parole Board made after an oral hearing at which the offender had the opportunity to be heard or represented; and
 - (b) in the case of an offender who has been sentenced to imprisonment for a term of three years or more, shall not specify any other condition except in accordance with recommendations of that Board.
- (5) The Secretary of State may make rules for regulating the supervision under this section of any description of offenders.
- (6) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—

“approved probation hostel” has the same meaning as in the Probation Service Act 1993;

“curfew order” has the same meaning as in the Criminal Justice Act 1991 (“the 1991 Act”).

17 Breach of conditions of release supervision order

- (1) If any offender in respect of whom a release supervision order is in force fails without reasonable excuse to comply with any of the conditions of the order, he shall be liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding the relevant period or a fine or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding the relevant period or a fine not exceeding level 3 on the standard scale or both.
- (2) An offence under subsection (1) above shall not be triable on indictment unless—
 - (a) the relevant period would be longer than six months; or
 - (b) the act or omission in question constitutes another offence which is punishable with imprisonment and is triable on indictment.
- (3) A magistrates' court by which an offender is convicted of an offence under subsection (1) above which could have been tried on indictment may commit him in custody or on bail to the Crown Court for sentence; and the Crown Court to which

he has been so committed may impose on him such a sentence as is mentioned in subsection (1)(a) above.

- (4) A court shall not impose a sentence of imprisonment under subsection (1) above unless—
- (a) it considers it expedient to do so in the interests of protecting the public from serious harm from the offender; or
 - (b) the offender’s failure to comply with the condition in question consisted of the commission of an offence punishable with imprisonment.
- (5) Nothing in section 1 or 2 of the 1991 Act shall apply in relation to such a sentence; and nothing in section 6 of that Act shall prevent a court from dealing with the offender in respect of an offence under subsection (1) above in any one of the following ways, namely—
- (a) where the offender is 16 or over—
 - (i) by making a community service order, probation order or combination order in respect of him; or
 - (ii) by making a curfew order in respect of him; or
 - (iii) by doing both of those things;
 - (b) where the offender is under 18—
 - (i) by making a supervision order in respect of him; or
 - (ii) by making both such an order and a curfew order in respect of him; and
 - (c) where the case is one to which section 17 of the 1982 Act applies—
 - (i) by making an order under that section requiring the offender to attend at an attendance centre; or
 - (ii) by making both such an order and a curfew order in respect of him.
- (6) In this section—
- “combination order” and “curfew order” have the same meanings as in the 1991 Act;
 - “community service order” and “probation order” have the same meanings as in the 1973 Act;
 - “supervision order” means a supervision order under the Children and Young Persons Act 1969 (“the 1969 Act”);
 - “the relevant period” means—
 - (a) on conviction on indictment, so much of the release supervision period as falls after the day on which the offender failed to comply with the condition;
 - (b) on summary conviction, so much of that period as so falls or six months, whichever is the shorter.

18 Powers of arrest and search warrants

- (1) A constable may arrest without warrant any person whom he has reasonable grounds for suspecting to have committed an offence under section 17 above.
- (2) If a justice of the peace is by written information on oath satisfied that there is reasonable ground for suspecting that a person who is liable to be arrested under subsection (1) above is to be found on any premises, he may grant a warrant

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authorising any constable to enter, if need be by force, the premises named in the warrant for the purposes of searching for and arresting that person.

- (3) Section 8 of the Police and Criminal Evidence Act 1984 (power of justice to authorise entry and search of premises) shall have effect as if the reference in subsection (1) of that section to a serious arrestable offence included a reference to an offence under section 17 above.