



Crime and Disorder Act 1998

1998 CHAPTER 37

PART IV

DEALING WITH OFFENDERS

CHAPTER I

ENGLAND AND WALES

Offenders dependent etc. on drugs

61 Drug treatment and testing orders.

- (1) This section applies where a person aged 16 or over is convicted of an offence other than one for which the sentence—
 - (a) is fixed by law; or
 - (b) falls to be imposed under section 2(2), 3(2) or 4(2) of the 1997 Act.
- (2) Subject to the provisions of this section, the court by or before which the offender is convicted may make an order (a “drug treatment and testing order”) which—
 - (a) has effect for a period specified in the order of not less than six months nor more than three years (“the treatment and testing period”); and
 - (b) includes the requirements and provisions mentioned in section 62 below.
- (3) A court shall not make a drug treatment and testing order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area proposed to be specified in the order and the notice has not been withdrawn.
- (4) A drug treatment and testing order shall be a community order for the purposes of Part I of the 1991 Act; and the provisions of that Part, which include provisions with respect to restrictions on imposing, and procedural requirements for, community sentences (sections 6 and 7), shall apply accordingly.

Status: Point in time view as at 30/09/1998. This version of this provision has been superseded.

Changes to legislation: Crime and Disorder Act 1998, Section 61 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) The court shall not make a drug treatment and testing order in respect of the offender unless it is satisfied—
- (a) that he is dependent on or has a propensity to misuse drugs; and
 - (b) that his dependency or propensity is such as requires and may be susceptible to treatment.
- (6) For the purpose of ascertaining for the purposes of subsection (5) above whether the offender has any drug in his body, the court may by order require him to provide samples of such description as it may specify; but the court shall not make such an order unless the offender expresses his willingness to comply with its requirements.
- (7) The Secretary of State may by order amend subsection (2) above by substituting a different period for the minimum or maximum period for the time being specified in that subsection.

Commencement Information

- II** S. 61 wholly in force; S. 61 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, art. 2(1) (subject to savings in arts. 5-8)

Status:

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