
Status: Point in time view as at 01/04/2001. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation: Criminal Justice and Court Services Act 2000, Chapter I is up to date with all changes known to be in force on or before 14 July 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)



Criminal Justice and Court Services Act 2000

2000 CHAPTER 43

PART III

DEALING WITH OFFENDERS

CHAPTER I

COMMUNITY SENTENCES

Renaming certain community orders

43 Probation orders renamed community rehabilitation orders.

- (1) An order under subsection (1) of section 41 of the Powers of Criminal Courts (Sentencing) Act 2000 (probation orders), whenever made, is to be referred to as a community rehabilitation order.
- (2) References in any enactment, instrument or document to a community rehabilitation order include (where the context allows) an order under any provision corresponding to that subsection which is repealed by that Act.
- (3) Accordingly—
 - (a) in subsection (2) of that section, for ““probation order”” there is substituted ““community rehabilitation order””, but
 - (b) paragraph 1(3) of Schedule 11 to that Act (general transitional provisions) does not apply to that subsection as amended by this.
- (4) References in any enactment, instrument or document to a probation order—
 - (a) are to an order under any provision corresponding to section 41(1) of that Act which is repealed by that Act, and

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(b) include (where the context allows) an order under that subsection.

(5) In section 163 of the Powers of Criminal Courts (Sentencing) Act 2000 (general definitions), at the appropriate place there is inserted—

““community rehabilitation order” has the meaning given by section 43 of the Criminal Justice and Court Services Act 2000”.

44 Community service orders renamed community punishment orders.

(1) An order under subsection (1) of section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 (community service orders), whenever made, is to be referred to as a community punishment order.

(2) References in any enactment, instrument or document to a community punishment order include (where the context allows) an order under any provision corresponding to that subsection which is repealed by that Act.

(3) Accordingly—

(a) in subsection (2) of that section, for “ “community service order”” there is substituted “ “community punishment order” ”, but

(b) paragraph 1(3) of Schedule 11 to that Act (general transitional provisions) does not apply to that subsection as amended by this.

(4) References in any enactment, instrument or document to a community service order—

(a) are to an order under any provision corresponding to section 46(1) of that Act which is repealed by that Act, and

(b) include (where the context allows) an order under that subsection.

(5) In section 163 of the ^{M1}Powers of Criminal Courts (Sentencing) Act 2000 (general definitions), in the definition of “community service order”—

(a) for “service” there is substituted “punishment ”,

(b) for the words from “means” to the first mention of “above” there is substituted “ has the meaning given by section 44 of the Criminal Justice and Court Services Act 2000 ”,

and that definition is moved to follow the definition of “community order”.

Marginal Citations

M1 2000 c. 6.

45 Combination orders renamed community punishment and rehabilitation orders.

(1) An order under subsection (1) of section 51 of the Powers of Criminal Courts (Sentencing) Act 2000 (combination orders), whenever made, is to be referred to as a community punishment and rehabilitation order.

(2) References in any enactment, instrument or document to a community punishment and rehabilitation order include (where the context allows) an order under any provision corresponding to that subsection which is repealed by that Act.

(3) Accordingly—

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- (a) in subsection (2) of that section, for ““combination order”” there is substituted ““community punishment and rehabilitation order””, but
 - (b) paragraph 1(3) of Schedule 11 to that Act (general transitional provisions) does not apply to that subsection as amended by this.
- (4) References in any enactment, instrument or document to a combination order—
- (a) are to an order under any provision corresponding to section 51(1) of that Act which is repealed by that Act, and
 - (b) include (where the context allows) an order under that subsection.
- (5) In section 163 of the Powers of Criminal Courts (Sentencing) Act 2000 (general definitions), at the appropriate place there is inserted—

““community punishment and rehabilitation order” has the meaning given by section 45 of the Criminal Justice and Court Services Act 2000”.

VALID FROM 20/06/2001

New community orders

VALID FROM 02/09/2004

46 Exclusion orders.

After section 40 of the ^{M2}Powers of Criminal Courts (Sentencing) Act 2000 there is inserted—

“ Exclusion orders

40A Exclusion orders.

- (1) Where a person is convicted of an offence, the court by or before which he is convicted may (subject to sections 34 to 36 above) make an order prohibiting him from entering a place specified in the order for a period so specified of not more than two years.
- (2) An order under subsection (1) above is in this Act referred to as an “exclusion order”.
- (3) An exclusion order—
 - (a) may provide for the prohibition to operate only during the periods specified in the order;
 - (b) may specify different places for different periods or days.
- (4) In relation to an offender aged under 16 on conviction, subsection (1) above shall have effect as if the reference to two years were a reference to three months.
- (5) The requirements in an exclusion order shall, as far as practicable, be such as to avoid—

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- (a) any conflict with the offender’s religious beliefs or with the requirements of any other community order to which he may be subject; and
 - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.
- (6) An exclusion order shall include provision for making a person responsible for monitoring the offender’s whereabouts during the periods when the prohibition operates; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (7) An exclusion order shall specify the petty sessions area in which the offender resides or will reside.
- (8) A court shall not make an exclusion order unless the court has been notified by the Secretary of State that arrangements for monitoring the offender’s whereabouts are available in the area in which the place proposed to be specified in the order is situated and the notice has not been withdrawn.
- (9) Before making an exclusion order in respect of an offender who on conviction is under 16, the court shall obtain and consider information about his family circumstances and the likely effect of such an order on those circumstances.
- (10) Before making an exclusion order, the court shall explain to the offender in ordinary language—
- (a) the effect of the order (including any additional requirements proposed to be included in the order in accordance with section 36B above (electronic monitoring));
 - (b) the consequences which may follow (under Part II of Schedule 3 to this Act) if he fails to comply with any of the requirements of the order; and
 - (c) that the court has power (under Parts III and IV of that Schedule) to review the order on the application of the offender, the responsible officer or any affected person.
- (11) The court by which an exclusion order is made shall—
- (a) give a copy of the order to the offender and the responsible officer; and
 - (b) give to any affected person any information relating to the order which the court considers it appropriate for him to have.
- (12) In this section, “place” includes an area.
- (13) For the purposes of this Act, a person is an affected person in relation to an exclusion order if—
- (a) a requirement under section 36B(1) above is included in the order by virtue of his consent; or
 - (b) a prohibition is included in the order for the purpose (or partly for the purpose) of protecting him from being approached by the offender.

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(14) In this Act, “responsible officer”, in relation to an offender subject to an exclusion order, means the person who is responsible for monitoring the offender’s whereabouts during the periods when the prohibition operates.

40B Breach, revocation and amendment of exclusion orders.

Schedule 3 to this Act (which makes provision for dealing with failures to comply with the requirements of certain community orders, for revoking such orders with or without the substitution of other sentences and for amending such orders) shall have effect so far as relating to exclusion orders.

40C Exclusion orders: supplementary.

- (1) The Secretary of State may make rules for regulating—
- (a) the monitoring of the whereabouts of persons who are subject to exclusion orders; and
 - (b) without prejudice to the generality of paragraph (a) above, the functions of persons who are responsible officers in relation to offenders subject to exclusion orders.
- (2) The Secretary of State may by order direct that section 40A(5) above shall have effect with such additional restrictions as may be specified in the order.”

Marginal Citations

M2 2000 c. 6.

47 Drug abstinence orders.

After section 58 of the ^{M3}Powers of Criminal Courts (Sentencing) Act 2000 there is inserted—

“ Drug abstinence orders

58A Drug abstinence orders.

- (1) Where a person aged 18 or over is convicted of an offence, the court by or before which he is convicted may (subject to sections 34 to 36 above) make an order which requires the offender—
- (a) to abstain from misusing specified Class A drugs; and
 - (b) to provide, when instructed to do so by the responsible officer, any sample mentioned in the instruction for the purpose of ascertaining whether he has any specified Class A drug in his body.
- (2) An order under subsection (1) above is in this Act referred to as a “drug abstinence order”.

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- (3) The court shall not make a drug abstinence order in respect of an offender unless—
 - (a) in the opinion of the court, the offender is dependent on, or has a propensity to misuse, specified Class A drugs; and
 - (b) the offence in question is a trigger offence or, in the opinion of the court, the misuse by the offender of any specified Class A drug caused or contributed to the offence in question.
- (4) A drug abstinence order shall provide that, for the period for which the order has effect, the offender shall be under the supervision of a person, being a person of a description specified in an order made by the Secretary of State.
- (5) In this Act, “responsible officer”, in relation to an offender who is subject to a drug abstinence order, means the person who is responsible for his supervision.
- (6) The function of giving instructions for the purposes of subsection (1)(b) above shall be exercised in accordance with guidance given from time to time by the Secretary of State.
- (7) A drug abstinence order shall have effect for a period specified in the order of not less than six months nor more than three years.
- (8) The Secretary of State may make rules for regulating the provision of samples in pursuance of such instructions.
- (9) A court shall not make a drug abstinence order unless the court 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 under section 54(1) above (as applied by section 58B(2) below) and the notice has not been withdrawn.

58B Drug abstinence orders: supplementary.

- (1) Before making a drug abstinence order, the court shall explain to the offender in ordinary language—
 - (a) the effect of the order and of the requirements proposed to be included in it;
 - (b) the consequences which may follow (under Part II of Schedule 3 to this Act) if he fails to comply with any of those requirements; and
 - (c) that the order may be reviewed (under Parts III and IV of that Schedule) on the application either of the offender or of the responsible officer.
- (2) Section 54 above (except subsections (2), (3) and (6)) and section 57 above (except subsections (2), (3A) and (4)(b)) shall apply for the purposes of section 58A above and this section as if references to drug treatment and testing orders were references to drug abstinence orders.
- (3) Schedule 3 to this Act (which makes provision for dealing with failures to comply with the requirements of certain community orders, for revoking such orders with or without the substitution of other sentences and for amending such orders) shall have effect so far as relating to drug abstinence orders.”

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Commencement Information

- I1** S. 47 wholly in force at 2.7.2001; s. 47 not in force at Royal Assent see s. 80; s. 47 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by S.I. 2001/2232, **art. 2(a)**

Marginal Citations

- M3** 2000 c. 6.

Miscellaneous

VALID FROM 20/06/2001

48 Pre-sentence drug testing.

In Chapter I of Part IV of the ^{M4}Powers of Criminal Courts (Sentencing) Act 2000, after section 36 there is inserted—

“36A Pre-sentence drug testing.

- (1) Where a person aged 18 or over is convicted of an offence and the court is considering passing a community sentence, it may make an order under subsection (2) below for the purpose of ascertaining whether the offender has any specified Class A drug in his body.
- (2) The order shall require the offender to provide, in accordance with the order, samples of any description specified in the order.
- (3) If it is proved to the satisfaction of the court that the offender has, without reasonable excuse, failed to comply with the order it may impose on him a fine of an amount not exceeding level 4.

In this subsection, “level 4” means the amount which, in relation to a fine for a summary offence, is level 4 on the standard scale.

- (4) The court shall not make an order under subsection (2) above unless it has been notified by the Secretary of State that the power to make such orders is exercisable by the court and the notice has not been withdrawn.”

Commencement Information

- I2** S. 48 wholly in force at 2.7.2001; s. 48 not in force at Royal Assent see s. 80; s. 48 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by S.I. 2001/2232, **art. 2(b)**

Marginal Citations

- M4** 2000 c. 6.

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VALID FROM 20/06/2001

49 Community sentences: drug abstinence requirements.

(1) In section 42 of the Powers of Criminal Courts (Sentencing) Act 2000 (additional requirements which may be included in community rehabilitation orders), in subsection (2)—

(a) after “above” there is inserted—

“(a)”,

(b) at the end there is inserted—

“(b) subject to subsections (2D) and (2F) below, the order shall, if the first set of conditions is satisfied, include a drug abstinence requirement and may include such a requirement if the second set of conditions is satisfied.

(2A) For the purposes of this Part of this Act, a drug abstinence requirement is a requirement for the offender—

(a) to abstain from misusing specified Class A drugs; and

(b) to provide, when instructed to do so by the responsible officer, any sample mentioned in the instruction for the purpose of ascertaining whether he has any specified Class A drug in his body.

(2B) The first set of conditions is—

(a) that the offender was aged 18 or over on the date of his conviction for the offence;

(b) that, in the opinion of the court, the offender is dependent on or has a propensity to misuse specified Class A drugs; and

(c) that the offence is a trigger offence.

(2C) The second set of conditions is—

(a) that the offender was aged 18 or over on the date of his conviction for the offence; and

(b) that, in the opinion of the court—

(i) the offender is dependent on or has a propensity to misuse specified Class A drugs; and

(ii) the misuse by the offender of any specified Class A drug caused or contributed to the offence.

(2D) The order may not include a drug abstinence requirement if—

(a) the community rehabilitation order includes any requirement in respect of drugs under paragraph 6 of Schedule 2 to this Act; or

(b) the community sentence includes a drug treatment and testing order or a drug abstinence order.

(2E) The function of giving instructions for the purposes of subsection (2A)(b) above shall be exercised in accordance with guidance given from time to time by the Secretary of State; and the Secretary of State may make rules for regulating the provision of samples in pursuance of such instructions.

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(2F) The court shall not include a drug abstinence requirement in the order unless the court has been notified by the Secretary of State that arrangements for implementing such requirements are available in the area proposed to be specified under section 41(3) above and the notice has not been withdrawn.”

(2) In section 47 of that Act (obligations of person subject to community punishment order), after subsection (3) there is inserted—

“(3A) Subject to subsection (3B) below, the community punishment order shall, if the set of conditions in section 42(2B) above is satisfied, include a drug abstinence requirement and may include such a requirement if the set of conditions in section 42(2C) above is satisfied.

(3B) The order may not include a drug abstinence requirement if the community sentence includes a drug treatment and testing order or a drug abstinence order.

(3C) Subsections (2E) and (2F) of section 42 above apply for the purposes of this section as they apply for the purposes of that.”

Commencement Information

I3 S. 49 wholly in force at 2.7.2001; s. 49 not in force at Royal Assent see s. 80; s. 49 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by S.I. 2001/2232, art. 2(c)

VALID FROM 20/06/2001

50 Community sentences: curfew requirements.

In Schedule 2 to the ^{M5}Powers of Criminal Courts (Sentencing) Act 2000 (additional requirements which may be included in community rehabilitation orders), after paragraph 6 there is inserted—

Curfew requirements

“7 (1) Subject to the provisions of this paragraph, a community rehabilitation order may include a requirement that the offender remain, for periods specified in the requirement, at a place so specified.

(2) A requirement under sub-paragraph (1) above may specify different places or different periods for different days, but shall not specify—

(a) periods which fall outside the period of six months beginning with the day on which the order is made; or

(b) periods which amount to less than two hours or more than twelve hours in any one day.

(3) A requirement under sub-paragraph (1) above shall, as far as practicable, be such as to avoid—

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- (a) any conflict with the offender’s religious beliefs or with the requirements of any other community order to which he may be subject; and
 - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.
- (4) An order which includes a requirement under sub-paragraph (1) above shall include provision for making a person responsible for monitoring the offender’s whereabouts during the curfew periods specified in the requirement; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (5) A court shall not include in a community rehabilitation order such a requirement as is mentioned in sub-paragraph (1) above unless the court has been notified by the Secretary of State that arrangements for monitoring the offender’s whereabouts are available in the area in which the place proposed to be specified in the requirement is situated and the notice has not been withdrawn.
- (6) A court shall not include in a community rehabilitation order such a requirement as is mentioned in sub-paragraph (1) above if the community sentence includes a curfew order.
- (7) Before including in a community rehabilitation order such a requirement as is mentioned in sub-paragraph (1) above, the court shall obtain and consider information about the place proposed to be specified in the requirement (including information as to the attitude of persons likely to be affected by the enforced presence there of the offender).
- (8) The Secretary of State may make rules for regulating—
- (a) the monitoring of the whereabouts of an offender who is subject to a requirement under sub-paragraph (1) above; and
 - (b) without prejudice to the generality of paragraph (a) above, the functions of any person responsible for monitoring the offender’s whereabouts during the curfew periods specified in the requirement.
- (9) The Secretary of State may by order direct that sub-paragraph (3) above shall have effect with such additional restrictions as may be specified in the order.”

Commencement Information

I4 S. 50 wholly in force at 2.7.2001; s. 50 not in force at Royal Assent see s. 80; s. 50 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by S.I. 2001/2232, art. 2(d)

Marginal Citations

M5 2000 c. 6.

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PROSPECTIVE

F1 51 Community sentences: exclusion requirements.

Textual Amendments

- F1** Ss. 47-51 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

VALID FROM 20/06/2001

52 Community sentences: electronic monitoring of requirements.

After section 36A of the ^{M6}Powers of Criminal Courts (Sentencing) Act 2000 there is inserted—

“36B Electronic monitoring of requirements in community orders.

- (1) Subject to subsections (2) to (4) below, a community order may include requirements for securing the electronic monitoring of the offender’s compliance with any other requirements imposed by the order.
- (2) A court shall not include in a community order a requirement under subsection (1) above unless the court—
 - (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant areas specified in subsections (7) to (10) below; and
 - (b) is satisfied that the necessary provision can be made under those arrangements.
- (3) Where—
 - (a) it is proposed to include in an exclusion order a requirement for securing electronic monitoring in accordance with this section; but
 - (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,the requirement shall not be included in the order without that person’s consent.
- (4) Where—
 - (a) it is proposed to include in a community rehabilitation order or a community punishment and rehabilitation order a requirement for securing the electronic monitoring of the offender’s compliance with a requirement such as is mentioned in paragraph 8(1) of Schedule 2 to this Act; but

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- (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring, the requirement shall not be included in the order without that person's consent.
- (5) An order which includes requirements under subsection (1) above shall include provision for making a person responsible for the monitoring; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (6) The Secretary of State may make rules for regulating—
- (a) the electronic monitoring of compliance with requirements included in a community order; and
 - (b) without prejudice to the generality of paragraph (a) above, the functions of persons made responsible for securing the electronic monitoring of compliance with requirements included in the order.
- (7) In the case of a curfew order or an exclusion order, the relevant area is the area in which the place proposed to be specified in the order is situated.
In this subsection, “place”, in relation to an exclusion order, has the same meaning as in section 40A below.
- (8) In the case of a community rehabilitation order or a community punishment and rehabilitation order, the relevant areas are each of the following—
- (a) where it is proposed to include in the order a requirement for securing compliance with a requirement such as is mentioned in sub-paragraph (1) of paragraph 7 of Schedule 2 to this Act, the area mentioned in sub-paragraph (5) of that paragraph;
 - (b) where it is proposed to include in the order a requirement for securing compliance with a requirement such as is mentioned in sub-paragraph (1) of paragraph 8 of that Schedule, the area mentioned in sub-paragraph (5) of that paragraph;
 - (c) where it is proposed to include in the order a requirement for securing compliance with any other requirement, the area proposed to be specified under section 41(3) below.
- (9) In the case of a community punishment order, a drug treatment and testing order, a drug abstinence order, a supervision order or an action plan order, the relevant area is the petty sessions area proposed to be specified in the order.
- (10) In the case of an attendance centre order, the relevant area is the petty sessions area in which the attendance centre proposed to be specified in the order is situated.”

Commencement Information

I5 S. 52 partly in force; s. 52 not in force at Royal Assent see s. 80; s. 52 in force for specified purposes at 20.6.2001 and 2.7.2001 by S.I. 2001/2232, art. 2(e)

Marginal Citations

M6 2000 c. 6.

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PROSPECTIVE

F2 53 Breach of community orders: warning and punishment.

Textual Amendments

F2 Ss. 53-55 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

54 Breach of community orders: failure to answer summons.

After paragraph 3(2) of Schedule 3 to the ^{M7}Powers of Criminal Courts (Sentencing) Act 2000 (breach, revocation and amendment of certain community orders) there is inserted—

- “(3) Where a summons issued under sub-paragraph (1)(a) above requires an offender to appear before the Crown Court and the offender does not appear in answer to the summons, the Crown Court may issue a further summons requiring the offender to appear at the place and time specified in it.
- (4) Where a summons issued under sub-paragraph (1)(a) above or a further summons issued under sub-paragraph (3) above requires an offender to appear before the Crown Court and the offender does not appear in answer to the summons, the Crown Court may issue a warrant for the arrest of the offender.”

Marginal Citations

M7 [2000 c. 6](#).

55 Regulation of community orders.

- (1) Regulations made by the Secretary of State may provide for—
- (a) the supervision of persons subject to community rehabilitation orders or community punishment and rehabilitation orders,
 - (b) the arrangements to be made by local probation boards for persons subject to community punishment orders, or community punishment and rehabilitation orders, to perform work and the performance of such work.
- (2) In particular, they may regulate the functions of—
- (a) officers of local probation boards and members of youth offending teams who are responsible for the supervision of offenders subject to community rehabilitation orders, and

Status: Point in time view as at 01/04/2001. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation: *Criminal Justice and Court Services Act 2000, Chapter I is up to date with all changes known to be in force on or before 14 July 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)*

- (b) officers of local probation boards or other persons who are, in relation to persons subject to community punishment orders, responsible officers (within the meaning of section 46(13) of the Powers of Criminal Courts (Sentencing) Act 2000).
- (3) Regulations made by virtue of subsection (1)(b) may, in particular, make provision—
- (a) limiting the number of hours of work to be done by a person on any one day,
 - (b) as to the reckoning of hours worked and the keeping of work records, and
 - (c) for the payment of travelling and other expenses in connection with the performance of work.

Status:

Point in time view as at 01/04/2001. This version of this chapter contains provisions that are not valid for this point in time.

Changes to legislation:

Criminal Justice and Court Services Act 2000, Chapter I is up to date with all changes known to be in force on or before 14 July 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.