



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART IV

COMMUNITY ORDERS AND REPARATION ORDERS

CHAPTER III

COMMUNITY ORDERS AVAILABLE ONLY WHERE OFFENDER AGED 16 OR OVER

[^{F1} Drug abstinence orders]

Textual Amendments

F1 Ss. 58A, 58B and cross-heading inserted (20.6.2001 for specified purposes otherwise 2.7.2001) by [2000 c. 43, s. 47](#); [S.I. 2001/2232, art. 2\(a\)](#)

^{F2}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”.

Status: Point in time view as at 02/09/2004.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Drug abstinence orders is up to date with all changes known to be in force on or before 10 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)

- (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.

Textual Amendments

F2 Ss. 58A, 58B and cross-heading inserted (20.6.2001 for specified purposes otherwise 2.7.2001) by 2000 c. 43, s. 47; S.I. 2001/2232, art. 2(a)

[^{F3}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.]

Status: Point in time view as at 02/09/2004.

Changes to legislation: *Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Drug abstinence orders is up to date with all changes known to be in force on or before 10 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)*

Textual Amendments

F3 Ss. 58A, 58B and cross-heading inserted (20.6.2001 for specified purposes otherwise 2.7.2001) by 2000 c. 43, s. 47; S.I. 2001/2232, art. 2(a)

Status:

Point in time view as at 02/09/2004.

Changes to legislation:

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