



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

#### CHAPTER 4

#### FURTHER PROVISIONS ABOUT ORDERS UNDER CHAPTERS 2 AND 3

#### *Provisions applying to relevant orders generally*

#### 216 [<sup>F1</sup>Local justice area] to be specified in relevant order

- (1) A community order or suspended sentence order must specify the [<sup>F2</sup>local justice area] in which the offender resides or will reside.

<sup>F3</sup>(2) .....

#### **Textual Amendments**

- F1** Words in s. 216 heading substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 103](#)
- F2** Words in s. 216(1)(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 103](#)
- F3** S. 216(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 19](#); S.I. 2012/2906, art. 2(h)

#### **Modifications etc. (not altering text)**

- C1** S. 216 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 183\(1\)](#), 383; S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

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#### Commencement Information

- I1** S. 216 partly in force; s. 216 not in force at Royal Assent, see s. 336(3); s. 216(2)(b) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 216(1) in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 16](#) (subject to [art. 2\(2\), Sch. 2](#))

### 217 Requirement to avoid conflict with religious beliefs, etc

- (1) The court must ensure, as far as practicable, that any requirement imposed by a relevant order is such as to avoid—
  - (a) any conflict with the offender’s religious beliefs or with the requirements of any other relevant order to which he may be subject; and
  - (b) any interference with the times, if any, at which he normally works or attends [<sup>F4</sup>any] educational establishment.
- (2) The responsible officer in relation to an offender to whom a relevant order relates must ensure, as far as practicable, that any instruction given or requirement imposed by him in pursuance of the order is such as to avoid the conflict or interference mentioned in subsection (1).
- (3) The Secretary of State may by order provide that subsection (1) or (2) is to have effect with such additional restrictions as may be specified in the order.

#### Textual Amendments

- F4** Words in s. 217(1)(b) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 6, 153, Sch. 4 para. 91](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074, art. 2\(p\)\(xiii\)](#)

#### Commencement Information

- I2** S. 217 wholly in force 4.4.2005; s. 217 not in force at Royal Assent, see s. 336(3); s. 217 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 217(3) in force at 7.3.2005 by [S.I. 2005/373, art. 2](#); s. 217 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 16](#) (subject to [art. 2\(2\), Sch. 2](#))

### 218 Availability of arrangements in local area

- (1) A court may not include an unpaid work requirement in a relevant order unless the court is satisfied that provision for the offender to work under such a requirement can be made under the arrangements for persons to perform work under such a requirement which exist in the [<sup>F5</sup>local justice area] in which he resides or will reside.
- (2) A court may not include an activity requirement in a relevant order unless the court is satisfied that provision for the offender to participate in the activities proposed to be specified in the order can be made under the arrangements for persons to participate in such activities which exist in the [<sup>F5</sup>local justice area] in which he resides or will reside.
- (3) A court may not include an attendance centre requirement in a relevant order in respect of an offender unless the court has been notified by the Secretary of State that an attendance centre is available for persons of his description.
- (4) A court may not include an electronic monitoring requirement in a relevant order in respect of an offender unless the court—

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- (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant areas mentioned in subsections (5) to (7), and
  - (b) is satisfied that the necessary provision can be made under those arrangements.
- (5) In the case of a relevant order containing a curfew requirement or an exclusion requirement, the relevant area for the purposes of subsection (4) is the area in which the place proposed to be specified in the order is situated.
- (6) In the case of a relevant order containing an attendance centre requirement, the relevant area for the purposes of subsection (4) is the area in which the attendance centre proposed to be specified in the order is situated.
- (7) In the case of any other relevant order, the relevant area for the purposes of subsection (4) is the [<sup>F5</sup>local justice area] proposed to be specified in the order.
- (8) In subsection (5) “place”, in relation to an exclusion requirement, has the same meaning as in section 205.

#### Textual Amendments

**F5** Words in s. 218(1)(2)(7) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 104](#)

#### Modifications etc. (not altering text)

**C2** S. 218 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 183\(1\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### Commencement Information

**I3** S. 218 wholly in force at 4.4.2005; s. 218 not in force at Royal Assent, see s. 336(3); s. 218 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 218 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 16](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

## 219 Provision of copies of relevant orders

- [<sup>F6</sup>(1) The court by which any relevant order is made must forthwith provide copies of the order—
- (a) to the offender,
  - (b) to the responsible officer,
  - (c) to an officer who is acting at the court and is an officer of a provider of probation services that is a public sector provider, and
  - (d) where the court specifies a local justice area in which the court making the order does not act, to a provider of probation services that is a public sector provider and is acting in that area.]
- (2) Where a relevant order imposes any requirement specified in the first column of Schedule 14, the court by which the order is made must also forthwith provide the person specified in relation to that requirement in the second column of that Schedule with a copy of so much of the order as relates to that requirement.

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- (3) Where a relevant order specifies a [<sup>F7</sup>local justice area in which] the court making the order does not act, the court making the order must provide to the magistrates’s court [<sup>F8</sup>acting in that area]—
- (a) a copy of the order, and
  - (b) such documents and information relating to the case as it considers likely to be of assistance to a court [<sup>F8</sup>acting in that area] in the exercise of its functions in relation to the order.

- [<sup>F9</sup>(4) In subsection (1)(c) and (d), “public sector provider” means—
- (a) a probation trust or other public body, or
  - (b) the Secretary of State;]

#### Textual Amendments

- F6** S. 219(1) substituted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 12\(2\)](#); S.I. 2014/1287, art. 2(d)
- F7** Words in s. 219(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 105\(b\)](#)
- F8** Words in s. 219(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 105\(b\)](#)
- F9** S. 219(4) inserted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 12\(3\)](#); S.I. 2014/1287, art. 2(d)

#### Modifications etc. (not altering text)

- C3** S. 219(3) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 178\(5\), 197\(4\), 202, 383](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

#### Commencement Information

- I4** S. 219 wholly in force at 4.4.2005; s. 219 not in force at Royal Assent, see s. 336(3); s. 219(1)(a)(b)(d)(2)(3) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2](#), [Sch.](#); s. 219 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 2 para. 16](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

## 220 Duty of offender to keep in touch with responsible officer

- (1) An offender in respect of whom a community order or a suspended sentence order is in force—
- (a) must keep in touch with the responsible officer in accordance with such instructions as he may from time to time be given by that officer, and
  - (b) must notify him of any change of address.
- (2) The obligation imposed by subsection (1) is enforceable as if it were a requirement imposed by the order.

#### Commencement Information

- I5** S. 220 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 16](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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