



# Offender Management Act 2007

## 2007 CHAPTER 21

### PART 1

#### NEW ARRANGEMENTS FOR THE PROVISION OF PROBATION SERVICES

##### *Probation purposes*

### **1 Meaning of “the probation purposes”**

- (1) In this Part “the probation purposes” means the purposes of providing for—
- (a) courts to be given assistance in determining the appropriate sentences to pass, and making other decisions, in respect of persons charged with or convicted of offences;
  - (b) [<sup>F1</sup>the giving of assistance to persons]in determining whether conditional cautions should be given and which conditions to attach to conditional cautions;
  - (c) the supervision and rehabilitation of persons charged with or convicted of offences;
  - (d) the giving of assistance to persons remanded on bail;
  - (e) the supervision and rehabilitation of persons to whom conditional cautions are given;
  - (f) the giving of information to victims of persons charged with or convicted of offences.
- (2) The purpose set out in subsection (1)(c) includes (in particular)—
- (a) giving effect to community orders and suspended sentence orders (or, in the case of persons mentioned in subsection (3), any corresponding sentence which is to be carried out in England and Wales);
  - (b) assisting in the rehabilitation of offenders who are being held in prison;
  - (c) supervising persons released from prison on licence;
  - (d) providing accommodation in approved premises.
- (3) That purpose also applies in relation to persons who—

*Status: Point in time view as at 03/10/2022.*

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- (a) are convicted of an offence under the law of a country outside England and Wales, and
- (b) receive a sentence which is to any extent to be served or carried out in England and Wales,

as it applies in relation to persons convicted of offences.

(4) In this section—

“<sup>F2</sup>conditional caution” has ]the same meaning as in Part 3 of the Criminal Justice Act 2003 (c. 44);

<sup>F3</sup>“community order” means—

- (a) a community order within the meaning given by section 200 of the Sentencing Code;
- (b) a youth rehabilitation order within the meaning given by section 173 of the Sentencing Code;]

“prison” includes a young offender institution [<sup>F4</sup>, a secure training centre and a secure college];

<sup>F5</sup>“suspended sentence order” has the meaning given by section 286 of the Sentencing Code;]

“victim” includes a person claiming to be a victim of a person charged with or convicted of an offence.

(5) Regulations made by the Secretary of State may extend the purposes mentioned in subsection (1) to include other purposes relating to persons charged with or convicted of offences or persons to whom conditional cautions are given.

#### Textual Amendments

- F1** Words in s. 1(1)(b) substituted (1.4.2010) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 26 para. 83\(a\)](#); S.I. 2010/712, art. 3(b)
- F2** Words in s. 1(4) substituted (1.4.2010) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 26 para. 83\(b\)](#); S.I. 2010/712, art. 3(b)
- F3** Words in s. 1(4) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 261\(2\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F4** Words in s. 1(4) substituted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 25](#); S.I. 2015/778, art. 2(1)(c)
- F5** Words in s. 1(4) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 261\(3\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

#### Commencement Information

- I1** S. 1 in force at 1.4.2008 for specified purposes by [S.I. 2008/504](#), [art. 4\(1\)\(a\)\(2\)](#)
- I2** S. 1 in force at 1.4.2009 for specified purposes by [S.I. 2009/547](#), [art. 2\(1\)\(a\)\(2\)](#)
- I3** S. 1 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/191](#), [art. 2\(1\)](#)

### *Functions of the Secretary of State*

## 2 Responsibility for ensuring the provision of probation services

(1) It is the function of the Secretary of State to ensure that sufficient provision is made throughout England and Wales—

- (a) for the probation purposes;

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- (b) for enabling functions conferred by any enactment (whenever passed or made) on providers of probation services, or on officers of a provider of probation services, to be performed; and
  - (c) for the performance of any function of the Secretary of State under any enactment (whenever passed or made) which is expressed to be a function to which this paragraph applies;
- and any provision which the Secretary of State considers should be made for a purpose mentioned above is referred to in this Part as “probation provision”.
- (2) The Secretary of State shall discharge his function under subsection (1) in relation to any probation provision by making and carrying out arrangements under section 3.
  - (3) The Secretary of State must have regard to the aims mentioned in subsection (4) in the exercise of his functions under subsections (1) and (2) (so far as they may be exercised for any of the probation purposes).
  - (4) Those aims are—
    - (a) the protection of the public;
    - (b) the reduction of re-offending;
    - (c) the proper punishment of offenders;
    - (d) ensuring offenders' awareness of the effects of crime on the victims of crimes and the public; and
    - (e) the rehabilitation of offenders.
  - (5) The Secretary of State is not required by subsections (1) and (2) to take any action in relation to the making of provision for a purpose mentioned in subsection (1) if it appears to him that appropriate provision is being or will be made by any person acting otherwise than in pursuance of arrangements under section 3.
  - (6) In this section “enactment” includes subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

#### Commencement Information

- I4** S. 2 in force at 1.4.2008 for specified purposes by S.I. 2008/504, art. 4(1)(b)(2) (with art. 5)
- I5** S. 2 in force at 1.4.2009 for specified purposes by S.I. 2009/547, art. 2(1)(b)(2)
- I6** S. 2 in force at 1.4.2010 in so far as not already in force by S.I. 2010/191, art. 2(2)

### 3 Power to make arrangements for the provision of probation services

- (1) This section applies to any probation provision which the Secretary of State considers ought to be made for any of the purposes mentioned in section 2(1).
- (2) The Secretary of State may make contractual or other arrangements with any other person for the making of the probation provision.
- (3) Arrangements under subsection (2) may in particular authorise or require that other person—
  - (a) to co-operate with other providers of probation services or persons who are concerned with the prevention or reduction of crime or with giving assistance to the victims of crime;

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- (b) to authorise individuals under section 9(2) to act as officers of a provider of probation services;
  - (c) to make contractual or other arrangements with third parties for purposes connected with the probation provision to be made, including in particular contractual or other arrangements—
    - (i) for provision to be made, or for activities to be carried out, by third parties on behalf of that other person; or
    - (ii) for individuals who are not members of that other person's staff to act as officers of a provider of probation services.
- (4) The Secretary of State may make provision for the performance of any function to which section 2(1)(c) applies by making arrangements under subsection (2) above providing for the delegation of that function to the other person.
- (5) If instead of making arrangements under subsection (2) the Secretary of State considers it appropriate to make any probation provision himself, he shall make arrangements for the making of that probation provision (and for the avoidance of doubt the members of staff through whom he may act in making and carrying out those arrangements include prison officers or other persons employed at a prison).
- (6) In this Part “provider of probation services” means—
- (a) a person with whom the Secretary of State has made arrangements that are in force under subsection (2); or
  - (b) the Secretary of State (in relation to probation provision which is the subject of arrangements that are in force under subsection (5)).
- [<sup>F6</sup>(6A) The Secretary of State must ensure that arrangements under subsection (2) or (5) for the supervision or rehabilitation of persons convicted of offences—
- (a) state that the Secretary of State has, in making the arrangements, complied with the duty under section 149 of the Equality Act 2010 (public sector equality duty) as it relates to female offenders, and
  - (b) identify anything in the arrangements that is intended to meet the particular needs of female offenders.]
- (7) In carrying out functions under this Part in relation to arrangements under subsection (2) with another person (“the provider”), the Secretary of State shall have regard to the need to take reasonable steps to avoid (so far as practicable) the risk that—
- (a) the provision, in pursuance of the arrangements, of assistance to a court or to the Parole Board for England and Wales, and
  - (b) the carrying out, in pursuance of the arrangements, of any other activities, might be adversely affected by any potential conflict between the provider's obligations in relation to those activities and the financial interests of the provider.

#### Textual Amendments

**F6** S. 3(6A) inserted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 10**, 22(1); S.I. 2014/1287, art. 2(a)

#### Commencement Information

**I7** S. 3(1)-(5) (7) in force at 1.4.2008 for specified purposes by [S.I. 2008/504](#), **art. 4(1)(c)(2)**

**I8** S. 3(1)-(5) (7) in force at 1.4.2009 for specified purposes by [S.I. 2009/547](#), **art. 2(1)(c)(2)**

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- I9** S. 3(1)-(5) (7) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/191, art. 2\(3\)](#)  
**I10** S. 3(6) in force at 1.4.2008 by [S.I. 2008/504, art. 3\(a\)](#)

#### 4 Restriction on certain arrangements under section 3

- (1) Arrangements under section 3(2) relating to restricted probation provision may only be made with a probation trust or other public body.
- (2) In this section “restricted probation provision” means probation provision which—
- (a) is made for a purpose mentioned in section 2(1)(a) or (b); and
  - (b) relates to the giving of assistance to any court in determining the appropriate sentence to pass, or making any other decision, in respect of a person charged with or convicted of an offence.
- [<sup>F7</sup>(3) The provision described in subsection (2)(b) includes provision which relates to the making of an application by an officer to a court under—
- (a) [<sup>F8</sup>paragraph 14, 15, 18, 20 or 21 of Schedule 10 to the Sentencing Code] (revocation or amendment of community orders),
  - (b) [<sup>F9</sup>paragraph 22, 25 or 27 of Schedule 16 to that Code] (amendment of suspended sentence orders), or
  - (c) paragraph 10 of Schedule 19A to [<sup>F10</sup>the Criminal Justice Act 2003] (revocation or amendment of supervision default orders).]

#### Textual Amendments

- F7** S. 4(3) inserted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\), s. 22\(1\), Sch. 4 para. 8; S.I. 2014/1287, art. 2\(d\)](#)
- F8** Words in s. 4(3)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 262\(a\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)
- F9** Words in s. 4(3)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 262\(b\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)
- F10** Words in s. 4(3)(c) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 262\(c\)](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)

#### Commencement Information

- I11** S. 4 in force at 1.4.2008 for specified purposes by [S.I. 2008/504, art. 4\(1\)\(d\)\(2\)](#)
- I12** S. 4 in force at 1.4.2009 for specified purposes by [S.I. 2009/547, art. 2\(1\)\(d\)\(2\)](#)
- I13** S. 4 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/191, art. 2\(4\)](#)

#### 5 Power to establish probation trusts

- (1) The Secretary of State may by order—
- (a) establish a probation trust for purposes specified in the order;
  - (b) alter the name or purposes of a probation trust;
  - (c) dissolve a probation trust.
- (2) The purposes of a probation trust must consist of or include the making or performance by the trust of contracts with the Secretary of State under section 3(2).
- (3) The purposes of a probation trust may include all or any of the following purposes—

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- (a) the making or performance by the trust of contracts with another probation trust or any other person which provide for the carrying out by the trust of activities which contribute to the achievement of any purpose mentioned in section 2(1);
  - (b) the making or performance by the trust of contracts with the Secretary of State for the carrying out by the trust of activities anywhere in the world which—
    - (i) are to be carried out in connection with persons who are or have been subject to proceedings in service courts; and
    - (ii) correspond to activities which, if carried out in connection with persons charged with or convicted of offences, would contribute to the achievement of any purpose mentioned in section 2(1);
  - (c) any other purpose specified for the purposes of this section by regulations made by the Secretary of State.
- (4) A purpose specified for a probation trust under subsection (1)(a) may be expressed in more specific terms than those used in subsection (2) or (3)(a) or (b) or in regulations under subsection (3)(c).
- (5) A purpose so specified which relates to the making or performance of contracts includes the carrying out of any activities relating to a contract of a relevant kind (including activities taking place before it is made or after it is terminated).
- (6) Schedule 1 (which contains other provision relating to probation trusts) has effect.

#### Commencement Information

**I14** S. 5 in force at 1.3.2008 by S.I. 2008/504, art. 2(a)

## 6 Power to make grants for probation purposes etc

- (1) The Secretary of State may make payments (other than payments falling to be made in pursuance of arrangements under section 3(2))—
- (a) to a probation trust; or
  - (b) towards expenditure incurred by any other person for any purpose falling within the probation purposes.
- (2) Payments under this section may be made on conditions (which may require repayment in specified circumstances).

#### Commencement Information

**I15** S. 6 in force at 1.4.2008 for specified purposes by S.I. 2008/504, art. 4(1)(e)(2)

**I16** S. 6 in force at 1.4.2009 for specified purposes by S.I. 2009/547, art. 2(1)(e)(2)

**I17** S. 6 in force at 1.4.2010 in so far as not already in force by S.I. 2010/191, art. 2(5)

## 7 National standards for the management of offenders

- (1) The Secretary of State shall continue to publish national standards for the management of offenders.

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- (2) The national standards may in particular include standards relating to the management of offenders held in custody.
- (3) In exercising his powers under section 3(2), the Secretary of State shall have regard to the need to secure, so far as practicable, that the arrangements in force from time to time provide for the national standards to have the same effect in relation to every provider of probation services carrying out the activities to which the standards apply.

#### **Commencement Information**

- I18** S. 7(1)(2) in force at 1.4.2008 by S.I. 2008/504, art. 3(b)  
**I19** S. 7(3) in force at 1.4.2008 for specified purposes by S.I. 2008/504, art. 4(1)(f)(2)  
**I20** S. 7(3) in force at 1.4.2009 for specified purposes by S.I. 2009/547, art. 2(1)(f)(2)  
**I21** S. 7(3) in force at 1.4.2010 in so far as not already in force by S.I. 2010/191, art. 2(6)

## **8 Annual plans**

- (1) The Secretary of State shall at least once in every year consult the Welsh Ministers, and such other persons as he thinks fit, about the provision that should be made for the purposes mentioned in section 2(1) for the following year.
- (2) The Secretary of State shall, before the end of each year, publish an annual plan for the following year which sets out the way in which the Secretary of State proposes to—
  - (a) discharge his functions under section 2(1) and (2) during that year; and
  - (b) carry out any arrangements which he expects to be in force under section 3(5) for that year.
- (3) The Secretary of State shall have regard to the annual plan published under subsection (2) for any year—
  - (a) in discharging his functions under section 2(1) and (2) during that year; and
  - (b) in making or carrying out arrangements under section 3(5) for that year.
- (4) Arrangements made by the Secretary of State under section 3(2) with a probation trust shall require the trust to publish an annual plan for each year in which it expects to carry out any specified activities.
- (5) Arrangements made by the Secretary of State under section 3(2) with a person other than a probation trust shall, if the Secretary of State thinks fit, require that person to publish an annual plan for each year in which it expects to carry out any specified activities.
- (6) In subsections (4) and (5)—

“annual plan” means a plan setting out the way in which the probation trust or other person (as the case may be) proposes to carry out any specified activities during the year to which the plan relates;

“specified activities”, in relation to a probation trust or other person with whom arrangements under section 3(2) are made, means activities of a description specified in those arrangements for the purposes of subsection (4) or (5) above (as the case may be).
- (7) In this section “year” means a period of 12 months ending with 31st March.



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#### **Commencement Information**

- I22** S. 8 in force at 1.4.2008 for specified purposes by S.I. 2008/504, **art. 4(1)(g)(2)**  
**I23** S. 8 in force at 1.4.2009 for specified purposes by S.I. 2009/547, **art. 2(1)(g)(2)**  
**I24** S. 8 in force at 1.4.2010 in so far as not already in force by S.I. 2010/191, **art. 2(7)**

### *Miscellaneous*

## **9 Officers of providers of probation services**

- (1) In this Part “officer of a provider of probation services” means an individual who is for the time being authorised under subsection (2) (and “officer”, in relation to a particular provider of probation services, means a person so authorised to act as an officer of that provider).
- (2) An individual may be authorised to act as an officer of a particular provider of probation services (“the relevant provider”) by—
  - (a) the Secretary of State; or
  - (b) a provider of probation services (whether the relevant provider or any other provider) who is authorised to do so by the Secretary of State.
- (3) If the relevant provider is the Secretary of State, subsection (2) has effect with the omission of paragraph (b).

#### **Commencement Information**

- I25** S. 9 in force at 1.4.2008 by S.I. 2008/504, **art. 3(c)**

## **10 National framework for qualifications of officers**

- (1) The Secretary of State may publish guidelines about any qualifications, experience or training required to perform the work of an officer of a provider of probation services.
- (2) The Secretary of State must publish guidelines under subsection (1) in relation to work involving the supervision of offenders and other work requiring direct contact with offenders (including offenders held in custody).
- (3) Guidelines under this section may make different provision for different purposes.
- (4) In exercising his powers under sections 3(2) and (5) and 9, the Secretary of State shall have regard to the need to secure, so far as practicable, that guidelines published under this section have the same effect in relation to every provider of probation services whose officers perform work to which they relate.

#### **Commencement Information**

- I26** S. 10 in force at 1.4.2008 for specified purposes by S.I. 2008/504, **art. 4(1)(h)(2)**  
**I27** S. 10 in force at 1.4.2009 for specified purposes by S.I. 2009/547, **art. 2(1)(h)(2)**  
**I28** S. 10 in force at 1.4.2010 in so far as not already in force by S.I. 2010/191, **art. 2(8)**



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## **[<sup>F11</sup>10A Duty to consult on unpaid work requirements**

- (1) Each provider of probation services must, in each calendar year, consult the prescribed persons about the work to be performed by persons who—
  - (a) are subject to unpaid work requirements, and
  - (b) are supervised by that provider.
- (2) In this section “prescribed person” means a person, or a person of a description, prescribed by regulations made by the Secretary of State.
- (3) In this section “unpaid work requirement” means an unpaid work requirement as defined by—
  - (a) paragraph 10(1) of Schedule 6 to the Sentencing Code (youth rehabilitation orders),
  - (b) paragraph 1(1) of Schedule 9 to the Sentencing Code (community orders and suspended sentence orders), or
  - (c) paragraph 3A(1) of Schedule A1 to the Children Act 1989 (enforcement orders).
- (4) For the purposes of this section a person is supervised by a provider of probation services if an officer of that provider has functions relating to the person’s compliance with an unpaid work requirement.]

### **Textual Amendments**

- F11** [S. 10A](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 155](#), [208\(1\)](#); [S.I. 2022/520](#), [reg. 5\(r\)](#)

## **11 Abolition of local probation boards and transfers of property etc and staff**

- (1) In consequence of the provisions of this Part, the local probation boards constituted under section 4 of the Criminal Justice and Court Services Act 2000 (c. 43) are abolished.
- (2) Schedule 2 (which contains provisions relating to transfers of property etc or staff in connection with the abolition of local probation boards or the implementation or termination of arrangements under section 3) has effect.

### **Commencement Information**

- I29** [S. 11\(1\)](#) in force at 1.4.2008 for specified purposes by [S.I. 2008/504](#), [art. 4\(1\)\(i\)\(2\)](#)  
**I30** [S. 11\(1\)](#) in force at 1.4.2009 for specified purposes by [S.I. 2009/547](#), [art. 2\(1\)\(i\)\(2\)](#)  
**I31** [S. 11\(1\)](#) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/191](#), [art. 2\(9\)](#)  
**I32** [S. 11\(2\)](#) in force at 1.3.2008 by [S.I. 2008/504](#), [art. 2\(b\)](#)

## **12 The inspectorate**

- (1) Her Majesty's Inspectorate of the National Probation Service for England and Wales is renamed “Her Majesty's Inspectorate of Probation for England and Wales” and Her Majesty's Chief Inspector of the National Probation Service for England and Wales is renamed “Her Majesty's Chief Inspector of Probation for England and Wales”.

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- (2) In section 6 of the Criminal Justice and Court Services Act 2000 (the inspectorate)—
- (a) in subsection (1), the words from “but” to the end are omitted; and
  - (b) in subsection (4), for “the National Probation Service” (in both places) there is substituted “ Probation ”.
- (3) In section 7 of that Act (functions of the inspectorate)—
- (a) in subsection (1), for “each local probation board under section 5” there is substituted “ the Secretary of State under section 3 of the Offender Management Act 2007 (power to make arrangements for the provision of probation services) ”; and
  - (b) in subsection (6), after “section 1” there is inserted “ of the Offender Management Act 2007 ”.

#### Commencement Information

- I33** S. 12(1)(2) in force at 1.4.2008 by S.I. 2008/504, art. 3(d)  
**I34** S. 12(3) in force at 1.4.2008 for specified purposes by S.I. 2008/504, art. 4(1)(j)(2)  
**I35** S. 12(3) in force at 1.4.2009 for specified purposes by S.I. 2009/547, art. 2(1)(j)(2)  
**I36** S. 12(3) in force at 1.4.2010 in so far as not already in force by S.I. 2010/191, art. 2(10)

### 13 Approved premises

- (1) The Secretary of State may approve premises in which accommodation is provided—
- (a) for persons granted bail in criminal proceedings (within the meaning of the Bail Act 1976 (c. 63)); or
  - (b) for, or in connection with, the supervision or rehabilitation of persons convicted of offences;
- and in this section [<sup>F12</sup>and section 13A] “approved premises” means premises which are for the time being approved under this subsection.
- (2) The Secretary of State may make regulations for the regulation, management and inspection of approved premises.
- (3) The Secretary of State may make payments in connection with —
- (a) the operation of approved premises, or
  - (b) constructing, enlarging or improving premises, if they are approved premises or the works are being carried out with a view to the premises becoming approved premises,
- to any person who incurs expenditure on the activities in question.
- (4) Payments under subsection (3) may be made on conditions (including conditions requiring repayment in specified circumstances).
- (5) The power to make payments under subsection (3) is without prejudice to the powers of the Secretary of State under sections 2 to 6.
- (6) References in any Act or subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) to an approved bail hostel or an approved probation hostel are to be read as a reference to approved premises.
- (7) In paragraph 2(7) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (activities not liable to control under the Act), after paragraph (1) there is inserted—

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“(m) activities of a person who is acting as a manager of any approved premises (within the meaning of section 13 of the Offender Management Act 2007).”

#### Textual Amendments

**F12** Words in s. 13(1) inserted (3.10.2022) by [Approved Premises \(Substance Testing\) Act 2022 \(c. 27\)](#), ss. 1(2), 2(2); S.I. 2022/1013, reg. 3

#### Commencement Information

**I37** S. 13 in force at 1.4.2008 by S.I. 2008/504, art. 3(e)

### [<sup>F13</sup>13A Approved premises: substance testing

- (1) Subsection (2) applies if—
  - (a) the manager of any approved premises has given an authorisation that specifies when the power in that subsection may be exercised at those premises, and
  - (b) that authorisation is in force.
- (2) A member of staff may, at the approved premises and in accordance with the authorisation given under subsection (1), require any resident of those premises to provide a sample of urine for the purpose of ascertaining whether the resident has in their body any—
  - (a) controlled drug,
  - (b) prescription only medicine, or
  - (c) psychoactive substance.
- (3) The power in subsection (2) includes power to require a resident to provide a sample of any other description, except an intimate sample, whether instead of or in addition to a sample of urine.
- (4) The Secretary of State may use any residents’ samples to test, on an anonymised basis, for the prevalence of the following substances in approved premises—
  - (a) controlled drugs,
  - (b) medicinal products, or
  - (c) psychoactive substances.
- (5) In giving, or deciding whether to give, an authorisation under subsection (1), the manager must have regard to any guidance regarding the giving of authorisations issued by the Secretary of State.
- (6) In exercising the power in subsection (2), a member of staff must have regard to any guidance regarding the exercise of that power issued by the Secretary of State.
- (7) In this section—
  - “approved premises” has the meaning given by section 13(1);
  - “controlled drug” means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971 (see section 2 of that Act);
  - “intimate sample” has the same meaning as in Part 5 of the Police and Criminal Evidence Act 1984 (see section 65 of that Act);

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“medicinal product” has the meaning given in regulation 2 of the Human Medicines Regulations 2012 ([S.I. 2012/1916](#));

“prescription only medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012 ([S.I. 2012/1916](#));

“psychoactive substance” has the same meaning as in the Psychoactive Substances Act 2016 (see section 2 of that Act);

“resident” means a person who lives in approved premises other than a member of staff;

“residents’ sample” means any sample—

- (a) provided under subsection (2) or (3), or
- (b) provided voluntarily;

“the manager” means, in relation to approved premises, the individual in general control over the management of the approved premises.

- (8) The Secretary of State may by regulations make such amendments of this section as the Secretary of State considers appropriate in consequence of—
  - (a) the amendment or revocation of the Human Medicines Regulations 2012 ([S.I. 2012/1916](#)), or
  - (b) the making, amendment or revocation of any other subordinate legislation (whenever made) which relates to human medicines.
- (9) In subsection (8) “subordinate legislation” has the same meaning as in the Interpretation Act 1978.]

#### Textual Amendments

**F13** [S. 13A](#) inserted (3.10.2022) by [Approved Premises \(Substance Testing\) Act 2022 \(c. 27\)](#), **ss. 1(3), 2(2)**; [S.I. 2022/1013](#), reg. 3

## 14 Disclosure for offender management purposes

- (1) This section applies to—
  - (a) the Secretary of State;
  - (b) a provider of probation services (other than the Secretary of State);
  - (c) an officer of a provider of probation services; and
  - (d) a person carrying out activities in pursuance of arrangements made by a provider of probation services as mentioned in section 3(3)(c).
- (2) In this section “listed person” means—
  - (a) a government department;
  - (b) a relevant local authority;
  - (c) the Youth Justice Board for England and Wales;
  - (d) the Parole Board for England and Wales;
  - (e) a relevant contractor;
  - (f) a chief officer of police;
  - (g) a person who is responsible for securing the electronic monitoring of an individual; and
  - (h) any other person specified or described in regulations made by the Secretary of State.

*Status: Point in time view as at 03/10/2022.*

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- (3) Information may be disclosed—
- (a) by a person to whom this section applies—
    - (i) to another person to whom this section applies, or
    - (ii) to a listed person, or
  - (b) by a listed person to a person to whom this section applies, but only if the disclosure is necessary or expedient for any of the purposes mentioned in subsection (4).
- (4) Those purposes are—
- (a) the probation purposes;
  - (b) the performance of functions relating to prisons or prisoners of—
    - (i) the Secretary of State;
    - (ii) any other person to whom this section applies; or
    - (iii) any listed person; and
  - (c) any other purposes connected with the management of offenders (including the development or assessment of policies relating to matters connected with the management of offenders).
- (5) In subsection (4)(b)—
- (a) the reference to prisons or prisoners includes a reference to—
    - (i) young offender institutions or persons detained in such institutions;  
<sup>F14</sup>  
...
    - (ii) secure training centres or persons detained in such centres;<sup>F15</sup> and]
    - <sup>F16</sup>(iii) secure colleges or persons detained in them;]
  - (b) the reference to functions, in relation to a listed person who is a relevant contractor, includes activities connected with the making or performance of a contract mentioned in subsection (9).
- (6) Nothing in this section—
- (a) affects any power to disclose information that exists apart from this section; or
  - (b) authorises the disclosure of any information in contravention of any provision contained in an enactment (whenever passed or made) which prevents disclosure of the information.
- (7) But the Secretary of State may by order amend or repeal any provision mentioned in subsection (6)(b) which is contained in an enactment passed or made before the end of the Session in which this Act is passed so as to enable disclosures that would otherwise be permitted under this section.
- (8) In this section “relevant local authority” means a county council in England, a Welsh county council or county borough council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly.
- (9) In this section “relevant contractor” means—
- (a) a person who has entered into a contract for the running of, or of part of—
    - (i) a prison or young offender institution under section 84 of the Criminal Justice Act 1991 (c. 53);
    - (ii) a secure training centre under section 7 of the Criminal Justice and Public Order Act 1994 (c. 33);

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[<sup>F17</sup>(iii) a secure college under paragraph 1 of Schedule 10 to the Criminal Justice and Courts Act 2015;]

or a sub-contractor of such a person (within the meaning of the [<sup>F18</sup>provision in question]); or

- (b) a person who has entered into a contract with the Secretary of State—
- (i) under section 80 of the Criminal Justice Act 1991 for the purposes of prisoner escort arrangements (see subsection (2) of that section); or
  - (ii) under paragraph 1 of Schedule 1 to the Criminal Justice and Public Order Act 1994 for the purposes of escort arrangements <sup>F19</sup>....

(10) In this section “enactment” includes any subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

#### Textual Amendments

- F14** Word in s. 14(5)(a)(i) omitted (20.3.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 26\(a\)](#); S.I. 2015/778, art. 2(1)(c)
- F15** Word in s. 14(5)(a)(ii) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 26\(b\)](#); S.I. 2015/778, art. 2(1)(c)
- F16** S. 14(5)(a)(iii) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 26\(c\)](#); S.I. 2015/778, art. 2(1)(c)
- F17** S. 14(9)(a)(iii) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 10 para. 37\(a\)](#); S.I. 2015/778, art. 2(1)(d)
- F18** Words in s. 14(9)(a) substituted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 10 para. 37\(b\)](#); S.I. 2015/778, art. 2(1)(d)
- F19** Words in s. 14(9)(b)(ii) substituted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 10 para. 37\(c\)](#); S.I. 2015/778, art. 2(1)(d)

#### Commencement Information

- I38** S. 14 in force at 1.4.2008 by [S.I. 2008/504](#), [art. 3\(f\)](#)

## 15 Power to repeal section 4

- (1) The Secretary of State may by order repeal section 4.
- (2) The power under this section includes power to provide for that section to cease to have effect for such purposes as may be specified in the order.

#### Commencement Information

- I39** S. 15 in force at 1.4.2008 for specified purposes by [S.I. 2008/504](#), [art. 4\(1\)\(k\)\(2\)](#)
- I40** S. 15 in force at 1.4.2009 for specified purposes by [S.I. 2009/547](#), [art. 2\(1\)\(k\)\(2\)](#)
- I41** S. 15 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/191](#), [art. 2\(11\)](#)

**Status:**

Point in time view as at 03/10/2022.

**Changes to legislation:**

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