

OFFENDER REHABILITATION ACT 2014

EXPLANATORY NOTES

COMMENTARY

Release and supervision of offenders sentenced to less than 2 years

Section 1: Reduction of cases in which prisoners released unconditionally

11. **Section 1** amends section 243A of the 2003 Act, which relates to the duty to release offenders serving a fixed-term sentence of less than 12 months unconditionally at the halfway point in their sentence.
12. The amendments mean that the only offenders who will be released unconditionally at the halfway point of the sentence will be offenders serving a custodial sentence of 1 day, offenders serving a custodial sentence of more than 1 day but less than 12 months who are aged under 18 at the halfway point in their sentence, and offenders serving a sentence of less than 12 months imposed for an offence committed before section 1 comes into force. Other offenders serving sentences of more than 1 day and less than 12 months will now be subject to release on licence when they reach the halfway point in their sentence. That means, for example, that an offender sentenced to a custodial sentence of 6 months will be released at three months and spend three months on licence in the community.

Section 2: Supervision after end of sentence

13. **Section 2** amends Chapter 6 of Part 12 of the 2003 Act. It inserts a new section 256AA into the 2003 Act. The new section 256AA creates a new period of supervision for offenders serving custodial sentences of more than 1 day but less than 2 years. This period of post-sentence supervision will apply to a sentence imposed in respect of an offence committed on or after the provisions of this Act come into force.
14. The supervision period begins at the end of the sentence and ends on the expiry of 12 months from the date of release. This means that an offender serves half of their custodial sentence in custody, the second half under licence in the community, with the post-sentence supervision period then applying until the offender has spent 12 months in the community since their automatic release date.
15. The following are illustrative examples of how these provisions apply for different sentence lengths, compared with sentences under the law before amendment.

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<i>Sentence imposed by court</i>	<i>Current custodial period before the provisions of the Act are in force</i>	<i>Custodial period once the provisions of the Act are in force</i>	<i>Current arrangements on release before the provisions of the Act are in force</i>	<i>Arrangements on release once the provisions of the Act are in force</i>
6 month sentence	3 months	3 months	3 months in community, but with no licence conditions or supervision	3 months' licence
				9 months' post-sentence supervision
				Total supervision 12 months
10 month sentence	5 months	5 months	5 months in community, but with no licence conditions or supervision	5 months' licence
				7 months' post-sentence supervision
				Total supervision 12 months
18 month sentence	9 months	9 months	9 months' licence	9 months' licence
				3 months' post-sentence supervision
				Total supervision 12 months

16. Subsection (2) of new section 256AA requires offenders to comply with requirements during the supervision period. Subsection (4) defines the supervision period as beginning at the expiry of the sentence and ending 12 months after the halfway point of the sentence (the automatic release date). The requirements are to be specified in a notice given to the offender by the Secretary of State (subsection (3)). Subsection (5) makes clear that the purpose of the supervision period is the rehabilitation of the offender and subsection (6) requires the Secretary of State to have regard to that purpose when setting the requirements. Subsection (7) requires the supervisor of the offender to have regard to that purpose when carrying out functions in relation to the requirements. Subsection (8) defines “supervisor” for the purposes of this section. Subsection (9) provides that for a person subject to a sentence under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 who is over 18 at the date of release, the supervisor must be an officer of a provider of probation services or a member of a Youth Offending Team (YOT). Subsection (10) provides that for any other person subject to post-sentence supervision the supervisor must be an officer of a provider of probation services, which may be a public or private sector provider.
17. [Section 2\(4\)](#) introduces Schedule 1 to the Act. Schedule 1 is in two parts. The first part deals with the requirements which may be specified in the new supervision period. The second part sets out further provision relating to drug testing and drug appointments requirements during the supervision period.
18. Part 1 of Schedule 1 amends the 2003 Act to insert a new section 256AB after new section 256AA. This section sets out ten requirements of the offender that may be specified by the Secretary of State during the supervision period. They are:
- Subsection (1)(a): to be of good behaviour and not behave in a way that undermines the rehabilitative purpose of the supervision period.

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- Subsection (1)(b): not to commit any offences.
 - Subsection (1)(c): to keep in touch with the supervisor.
 - Subsection (1)(d): to receive visits from the supervisor.
 - Subsection (1)(e): to reside permanently at an address approved by the supervisor and to obtain prior permission for any stay of one or more nights at another address.
 - Subsection (1)(f): not to undertake work, or a particular type of work, unless it is approved by the supervisor and to notify the supervisor of any proposal to undertake work.
 - Subsection (1)(g): not to travel outside the British Islands except with prior permission of the supervisor or to comply with a legal obligation (for example, deportation or extradition).
 - Subsection (1)(h): to participate in activities in accordance with instructions given by the supervisor.
 - Subsection (1)(i): a drug testing requirement (see paragraphs 21 and 22 below).
 - Subsection (1)(j): a drug appointment requirement (see paragraphs 23 to 27 below).
19. Subsection (2) of new section 256AB provides that where an offender is subject to a requirement to participate in activities under subsection (1)(h) then provisions under new section 200A(5) to (10) apply. New section 200A creates a new rehabilitation activity requirement for community orders and suspended sentence orders and is inserted by section 15 of the Act and described at paragraphs 111 to 118 below.
20. Subsection (4) of new section 256AB provides the Secretary of State with a power, by order, to add to, remove or amend the requirements for the supervision period and to make provision for instructions regarding these requirements.
21. Part 2 of Schedule 1 relates to drug testing and drug appointment requirements. It inserts a new section 256D into the 2003 Act. Section 256D provides that an offender subject to a drug testing requirement during the supervision period must provide a sample to ascertain whether the offender has a specified Class A or Class B drug in his or her body. Subsection (2) provides that a drug testing requirement can only be imposed when the Secretary of State is satisfied that the requirements in subsection (3) are met, and the testing requirement is imposed for the purpose of checking whether the offender is complying with any other supervision requirement. Subsection (3) provides that the matters that the Secretary of State must be satisfied are met in order for the testing requirement to be imposed are:
- That the misuse of a specified Class A or B drug by the offender caused or contributed to a past offence or is likely to cause or contribute to further offending; and
 - That the offender is dependent on, or has a propensity to misuse, a specified Class A or Class B drug.
22. Subsection (4) requires instructions for drug testing to be in accordance with any guidance given by the Secretary of State and subsection (5) confers a power on the Secretary of State to make rules in relation to the provision of drug testing samples.
23. Part 2 of Schedule 1 also inserts new section 256E into the 2003 Act. New section 256E enables an offender to be made subject to a drug appointment requirement as part of their supervision. This requires an offender, in accordance with instructions, to attend appointments designed to address the offender's dependency on, or propensity to misuse, a controlled drug.

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24. Subsection (2) provides that the requirement can only be imposed where it has been recommended by the supervisor and where the Secretary of State is satisfied of a number of matters connected with the offender's dependency on or propensity to misuse drugs. Subsection (3) sets out those matters. It provides that the offender's misuse of controlled drugs must have either contributed to an offence for which the offender has been convicted or is likely to cause or contribute to further offending. It goes on to require that the Secretary of State is satisfied that the offender's dependency or propensity to misuse drugs is susceptible to treatment and that arrangements have been or can be made for the offender to be treated.
25. Subsection (4) provides that the supervision requirement must set out where and with whom the offender is required to meet.
26. Subsection (5) provides that the person with whom the offender is required to meet to address his or her drug problems must have the necessary qualifications or experience. Subsection (6) makes clear that the only instructions that may be given by the supervisor are the duration of each appointment and when each appointment takes place.
27. Subsection (7) makes clear that the offender is not required to submit to medical treatment at the appointment. The offender will only be treated as breaching his supervision condition if he fails to attend or remain at the appointment for the duration instructed by his supervisor.

Section 3: Breach of supervision requirements

28. **Section 3** amends Chapter 6 of Part 12 of the 2003 Act by inserting a new section 256AC. The new section 256AC deals with breach of supervision requirements imposed under new section 256AA.
29. Subsection (1) of new section 256AC provides that where it appears to the court that an offender has failed to comply with a supervision requirement, the court may issue a summons for the offender to appear or a warrant for the offender's arrest.
30. Subsection (2) makes clear that where a summons or warrant is issued it must direct the offender to appear at a magistrates' court in the local justice area in which the offender resides or, if unknown, where the summons or warrant was issued. Subsection (3) provides that where a summons is issued, but the offender does not appear, the court may issue a warrant for the offender's arrest.
31. Subsection (4) of new section 256AC sets out the sanctions available to the court where it is proved to the satisfaction of the court that the offender has without reasonable excuse failed to comply with a requirement during the supervision period. The sanctions available to the court are:
 - Committal to prison for a period not exceeding 14 days.
 - A fine not exceeding level 3 on the standard scale.
 - A "supervision default order" imposing either an unpaid work requirement or a curfew requirement.
32. Subsection (5) of new section 256AC provides that where a court imposes a curfew as part of a supervision default order, it is obliged also to impose electronic monitoring, unless it is unable to because suitable arrangements for monitoring cannot be made or it considers it inappropriate to do so (see section 177(3) of the 2003 Act).
33. Subsection (6) of new section 256AC means that where a court deals with a breach of supervision requirement by either committing an offender to prison, imposing a fine or imposing a supervision default order, it must revoke any existing supervision default order.

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34. Subsection (7) relates to offenders under the age of 21 where an order is made under subsection (4)(a) – that is, committal to prison. The person must be committed to a young offender institution, but subsection (7)(b) makes clear that the Secretary of State can direct that such a person can be detained in a prison or remand centre instead. Subsection (8) makes clear that a person committed to custody in a young offender institution is to be regarded as being in legal custody.
35. Subsection (9) provides that a fine imposed under subsection (4)(b) is to be treated as being a sum adjudged to be paid by a conviction, meaning that the normal enforcement procedures will apply. Subsection (11) provides that a person may appeal to the Crown Court against an order under subsection (4), that is, against the imposition of a sanction for an unreasonable failure to comply with a supervision requirement.
36. Section 3(2) introduces Schedule 2 to the Act, which inserts new Schedule 19A into the 2003 Act. The new Schedule 19A relates to supervision default orders with Part 1 dealing with the unpaid work and curfew requirements and Part 2 dealing with breach, revocation and amendment of supervision default orders.
37. The new Schedule 19A relates to supervision default orders: that is, where an offender has failed without reasonable excuse to comply with their supervision requirements and the court has imposed either unpaid work or a curfew for that breach. Schedule 19A applies the provisions of the 2003 Act that relate to unpaid work and curfews when imposed as part of a community order or suspended sentence order to those requirements when imposed as part of a supervision default order. Schedule 19A also makes a number of modifications to the provisions to reflect the different nature of community order requirements and supervision default order requirements.
38. Paragraph 3 of Schedule 19A sets out the modifications. These include limits on the imposition of unpaid work so that the minimum period is no less than 20 hours and the maximum no more than 60 hours. Paragraph 3(3) also makes clear that the work must be performed by the end of the supervision period.
39. Paragraph 3(4) also provides that, for a supervision default order, a curfew should be no less than 2 hours per day but no more than 16 hours per day. The curfew period must be at least 20 days in duration but cannot fall outside the supervision period.
40. Sections 217(1) and (2) of the 2003 Act, which require a court to avoid setting requirements which would conflict with an offender's religious beliefs or with times when offenders would normally be in work or education, apply in relation to setting supervision default orders as they do to community orders. Paragraph 4 of Schedule 19A makes clear that the order-making power in section 217(3), which allows the Secretary of State to impose further restrictions by order, applies in relation to supervision default orders. Paragraph 5 extends the Secretary of State's powers to make rules for regulating the supervision of offenders subject to community orders to supervision default orders. Paragraph 6 provides that the Secretary of State may by order amend the number of hours or days specified in relation to unpaid work and curfews imposed as part of a supervision default order.
41. Part 2 of Schedule 19A deals with the breach, revocation and amendment of supervision default orders. Paragraphs 7 and 8 provide that where an offender's supervisor is satisfied that that the offender has failed, without reasonable excuse, to comply with requirements of their supervision default order and that the failure should be dealt with by the court, then the offender's supervisor must refer the matter to an enforcement officer. The enforcement officer must then consider the case and if appropriate cause an information to be laid before a justice of the peace. Paragraph 7(4) makes clear that an enforcement officer is a public sector provider of probation services.
42. [Paragraph 8](#) provides that if the court is satisfied that an offender has failed to comply with a supervision default order, it may issue a summons requiring the person to appear or issue a warrant for the person's arrest.

43. Paragraph 9 of Schedule 19A sets out the powers of magistrates to deal with a breach of the supervision default order. If the court is satisfied that an offender has, without reasonable excuse, failed to comply with the supervision default order, the court may revoke the supervision default order and deal with the failure in the same way it could deal with the original breach of the supervision requirements (that is, by committal to prison, imposing a fine or a by a new supervision default order). Paragraph 9(3) makes clear that the court must take account of the extent to which the offender complied with the supervision default order and paragraph 9(4) provides for an appeal to the Crown Court against the order made by the court.
44. Paragraph 10 of Schedule 19A provides that an officer of a provider of probation services or the offender may make an application to the court to revoke or amend a supervision default order or to revoke it and deal with the offender in any way he could have been dealt with had the order never been made (i.e. by committing him to prison, imposing a fine or imposing a new supervision default order). Paragraph 10(2) provides that when it is amending an order under this power the court may not increase the number of days or hours specified in the order, but it may reduce them provided that it does not reduce them below the minimum of 20 hours for unpaid work and 2 hours per day for at least 20 days for curfew. Paragraph 10 also provides that the court in exercising its powers must take into account the extent to which the offender has complied with the supervision default order. Paragraph 10(4) provides for a right of appeal to the Crown Court. Paragraphs 10(5) and (6) provide that where a court proposes to exercise its powers on an application by an officer of a provider of probation services, unless it proposes only to reduce the number of days or hours specified in the order, it must summon the offender to appear before the court, and if he does not appear the court may issue a warrant for his arrest. Paragraph 10(7) provides that where the application to amend or revoke is made by the offender, the court may only hear the application if it is satisfied that adequate notice has been given to relevant officers of a provider of probation services. Paragraph 10(8) provides that an application to amend or revoke may not be made while an appeal against a supervision default order is pending.
45. [Paragraph 11](#) provides powers to the court to amend the supervision default order to specify a new local justice area, where it is satisfied that the offender proposes to change or has changed his address from the local justice area specified in the order.
46. [Paragraph 12](#) requires a court to revoke a supervision default order if the person who is subject to the order is convicted of an offence and the court dealing with that new offence imposes a sentence of imprisonment or detention (other than a suspended sentence order). If the court imposes a community order or a suspended sentence order it may revoke the supervision default order and deal with the person under section 256AC(4) in any way it could have dealt with him had the supervision default order not been made (that is, by committing him to prison, imposing a fine or imposing a new supervision default order). Paragraph 13 provides that where a court orders that a suspended sentence is to take effect in respect of someone who is subject to a supervision default order, the court must revoke the supervision default order.

Section 4: Supervision of certain young offenders after release from detention

47. [Section 4](#) makes provision in relation to:
- Offenders serving sentences of less than 12 months detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (which for these purposes includes a term of detention under section 209 of the Armed Forces Act 2006) who are under 18 when released;
 - Offenders serving section 91 sentences of less than 12 months imposed for pre-commencement offences; and

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- Offenders serving sentences under section 96 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in a young offender institution) imposed for pre-commencement offences.
48. A sentence under section 91 may be imposed on offenders under the age of 18 in respect of certain serious offences. A sentence under section 96 may be imposed on offenders aged at least 18 but under 21.
49. **Section 4** amends section 256B of the 2003 Act, which relates to supervision of young offenders after release from a section 91 or a section 96 sentence. Before the commencement of relevant provisions in this Act, section 256B would provide for a 3 month period of supervision to be applied to an offender who is released from a sentence under section 91 or section 96 of less than 12 months. The amendments made by section 4 have the effect that section 256B now relates only to offenders serving sentences described in paragraph 47 above. In other words, those offenders serving section 91 or section 96 sentences in relation to post-commencement offences, who are 18 or over on the last day of the custodial period, will no longer be subject to supervision under section 256B, but will be subject instead to the same arrangements as apply to an adult sentenced to a custodial sentence of less than 12 months. The amendments also have the effect that section 256B continues to apply in any case where the offence for which the sentence was imposed was committed before the commencement of section 1.
50. **Section 4(3)** amends subsection (2)(c) of section 256B of the 2003 Act to provide that an offender released from a section 91 sentence can be supervised by a member of a Youth Offending Team (YOT) if the offender is over 18 on release. After commencement of the Act this would only affect offenders who have committed offences before the commencement of section 1 of the Act, and who receive a sentence of under 12 months (see new subsection (1A) of section 256B inserted by section 4(2)).
51. Section 256B of the 2003 Act currently provides for drug testing requirements relating to certain Class A drugs to be imposed where the offender is 18 or over. This Act also enables drug testing requirements relating to certain Class B drugs to be imposed (see new section 256D of the 2003 Act, which is inserted by Schedule 1 to this Act). Section 256B is also amended so that, for those released under this section when the offender is aged 18 or over, the supervision period requirements may include drug appointment requirements (see new section 256E of the 2003 Act, which is inserted by Schedule 1 to this Act).

Section 5: Consecutive terms

52. **Section 5** relates to arrangements for release of offenders serving consecutive terms of imprisonment. It amends section 264 of the 2003 Act and inserts new section 264B to the same Act. New section 264B modifies the effect of section 264 when an offender is serving one or more sentences imposed for offences committed before commencement.
53. **Section 5(2)** amends section 264 to insert new subsections (3B) to (3E).
54. New section 264(3B) preserves unconditional release at the halfway point of sentence where the aggregate of the consecutive terms is less than 12 months and where, in respect of each of those terms, section 243A requires unconditional release (i.e. the categories referred to above in the explanation of section 1 of this Act). This subsection also imposes a licence period in every other case where an offender is released under section 264.
55. New section 264(3C) determines the period of licence and supervision under new section 256AA when all of the sentences are imposed for offences committed after commencement. New section 264(3C)(a) imposes a licence period equal to the aggregate of the remainder of the terms of imprisonment imposed. New section 264(3C)(b) imposes a supervision period under new section 256AA if it is required by at least

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one of the sentences and the aggregate length of the terms of imprisonment is less than 2 years.

56. New section 264(3D) determines the starting point of the supervision period under new section 256AA. The supervision period begins on expiry of the total licence period determined under new section 264(3C)(a). The end point of the supervision period is 12 months from the end of the requisite custodial period (under new section 256AA(4)(b)). The requisite custodial period for consecutive sentences is the aggregate of the custodial periods for the consecutive sentences as determined by sections 244(3)(d) and 264(2).
57. New section 264(3E) requires that an offender with a number of sentences imposed consecutively is subject to supervision under section 256B (supervision of certain young offenders after release from detention) if at least one of the sentences attracts supervision under section 256B. The period of supervision applies for three months from release of the offender (see section 256B(5)).
58. Subsections (3) and (3A) of section 264 are deleted. These subsections are no longer required as they are replaced by new provisions dealing with unconditional release and release on licence from aggregated sentences
59. [Section 5\(3\)](#) inserts new section 264B. The new section applies when an offender is released on licence under Chapter 6 of Part 12 of the 2003 Act, the aggregate length of the consecutive terms of imprisonment that were imposed is less than 12 months and at least one of the terms was imposed for an offence committed before the new provisions are commenced (a “short transitional term”) with at least one term imposed for an offence committed on or after the day of commencement.
60. New section 264B(2) determines the length of the licence period when there is at least one short transitional term to be served consecutively with one other term. The licence period is to be the aggregate of the remainder of each term of imprisonment that is not a short transitional term, following deduction of the relevant custodial period for each of those terms (as determined by section 264(6)). The licence period is to be served after the aggregate of the custodial periods for the sentences has been served.
61. [Section 5\(4\)](#) makes a consequential amendment to section 249 of the 2003 Act (which governs the length of a licence period).
62. [Section 5\(5\)](#) makes a consequential amendment to section 250 of the 2003 Act (which governs the conditions imposed under licence).
63. [Sections 5\(6\) to \(8\)](#) amend Schedule 20B to the 2003 Act to establish the date from which the supervision period is calculated under new section 256AA(4)(b) (the end of the requisite custodial period) for offenders with sentences subject to supervision under new section 256AA that are ordered to be served consecutively to sentences governed by Schedule 20B.
64. [Section 5\(7\)](#) inserts new sub-paragraph (3A) into paragraph 22 of Schedule 20B. Under new sub-paragraph (3A) the requisite custodial period is the period ending with the release of the offender.
65. [Section 5\(8\)](#) inserts new sub-paragraph (4) into paragraph 33 of Schedule 20B. Under new sub-paragraph (4) the requisite custodial period is the period ending with the release of the offender.

Section 6: Supervision of certain young offenders after detention and training order

66. [Section 6](#) relates to offenders in respect of whom Detention and Training Orders (DTO) have been made, who are 18 or over when they reach the halfway point of the order.
67. [Section 6\(3\)](#) amends section 103 of the Powers of Criminal Courts (Sentencing) Act 2000 so that the power of the Secretary of State to vary by order when the period of

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supervision of a DTO will end does not apply where an order is made and the offender is aged 18 or over at the halfway point of the term of the DTO.

68. **Section 6(4)** inserts new section 106B of the Powers of Criminal Courts (Sentencing) Act 2000. Subsection (1) of new section 106B sets out the circumstances where further supervision applies, that is: where the offender is aged 18 or over at the halfway point of their DTO, the DTO is of less than 24 months and the DTO was imposed for an offence committed on or after the day on which section 6(4) comes into force.
69. Subsection (2) of section 106B applies sections 256AA(2) to (11), 256B, 256AC, 256D and 256E of, and Schedule 19A to, the 2003 Act (that is, the new sections inserted by this Act introducing supervision for sentences of less than 2 years) but with the modifications set out in subsections (3) to (5) of section 106B.
70. Subsection (3) of section 106B defines the supervision period for a young offender who turns 18 before the halfway point in their sentence. The supervision period for these offenders begins at the end of their detention and training order and ends 12 months after the halfway point of the detention and training order.
71. In this way an offender serving a DTO of 10 months would currently spend (subject to certain exceptions) half of the sentence (i.e. 5 months) in custody and half subject to supervision in the community. Once the Act is in force, such an offender would be subject to an additional supervision period (to start once the DTO comes to an end) of 7 months.
72. Subsection (4) of section 106B provides that the supervisor of offenders subject to further supervision must be either an officer of a provider of probation services or a member of a Youth Offending Team (YOT). Subsection (5) extends the power under new section 256AB(4) of the 2003 Act so that it includes a power to make provision about the supervision requirements that can be imposed by virtue of new section 106B.

Section 7: Minor and consequential provision

73. **Section 7** introduces Schedule 3 to the Act, which contains a number of amendments consequential to sections 1 to 6.
74. Subsection (2) of section 7 provides the Secretary of State with a power to amend by order the Powers of Criminal Courts (Sentencing) Act 2000 and the 2003 Act to replace references to dates on which a provision of this Act comes into force with the actual date.
75. The most significant consequential amendments made by Schedule 3 are to Schedule 1 to the 1997 Act. Schedule 1 to the 1997 Act provides for transfers of licence and other forms of post-release supervision from one United Kingdom jurisdiction to another through two means:
 - Restricted: the sentencing provisions of the exporting jurisdiction are incorporated into the law of the receiving jurisdiction in relation to the transferred offender so that the offender can be managed in the receiving jurisdiction. The exporting jurisdiction retains overall control of the sentence.
 - Unrestricted: the offender transfers onto an equivalent sentence in the receiving jurisdiction's legislation. The receiving jurisdiction assumes complete control of the offender.
76. Paragraphs 2 and 8 of Schedule 3 to this Act bring post-sentence supervision within the scope of Schedule 1 to the 1997 Act, permitting transfer of the post-sentence supervision period on a restricted or unrestricted basis.
77. Paragraph 3 of Schedule 3 to this Act amends Schedule 1 to the 1997 Act such that post-sentence supervision applies as part of Scots law to offenders transferred to Scotland when in custody, on licence or in the post-sentence supervision period. The amendment

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also provides a 'gloss' to certain England and Wales specific terms so that when incorporated into Scots law the terms are read as being the equivalent in Scotland. It also modifies the effect of the supervision provisions to account for the differences in Scots law. The modifications would provide for:

- disapplication of post-sentence supervision when an offender is subject to certain licences particular to Scotland;
 - Scottish Ministers to be able to move offenders given custody for breach of post-sentence supervision between different types of custodial institution;
 - electronic monitoring to be tailored to Scottish circumstances;
 - supervisors in Scotland to be able to bring proceedings for breach of a Supervision Default Order; and
 - the Scottish court to be able to modify a supervision default order if another Scottish sentence is imposed.
78. The amendments to Schedule 1 to the 1997 Act made by paragraph 3 also provide further modifications where the post-sentence supervision in Scotland follows a DTO so that the supervisor is the officer of a Scottish local authority and Scottish Ministers are able to impose and modify supervision requirements (consistent with previous provisions in Schedule 1 for imposing DTO requirements on offenders transferred to Scotland).
79. Paragraph 4 of Schedule 3 to this Act amends Schedule 1 to the 1997 Act to provide that for an offender subject to a supervision default order transferred between Scotland and England and Wales the area in which the offender resides will determine the court with jurisdiction to manage the supervision default order before and after the transfer.
80. Paragraph 5 of Schedule 3 to this Act amends Schedule 1 to the 1997 Act to have the same effect in relation to Northern Ireland law as the amendments made by paragraph 3 have in relation to Scots law, but with the following differences:
- The power for the court to impose a Supervision Default Order is not incorporated into Northern Ireland law;
 - The glossing provisions do not apply to supervision under section 256B of the 2003 Act; and
 - The power to impose supervision requirements on offenders subject to post-sentence supervision after a DTO is retained by the UK Secretary of State (consistent with existing provisions in Schedule 1 for imposing DTO requirements on offenders transferred to Northern Ireland).
81. Paragraph 6 of Schedule 3 to this Act amends Schedule 1 to the 1997 Act to provide that, for unrestricted transfers, Ministers in Scotland or Northern Ireland would be able to direct how the supervision period of an offender transferred on an unrestricted basis is to be dealt with if there is no equivalent form of supervision under the law of that jurisdiction.
82. Paragraph 7 of Schedule 3 to this Act amends Schedule 1 to the 1997 Act to provide for the service of court processes relating to post-sentence supervision issued in Scotland or in England and Wales in the other jurisdiction. It also provides for provisions in Scots law on electronic monitoring to apply to electronic monitoring imposed as part of a supervision default order enforced in Scotland.