



Offender Rehabilitation Act 2014

2014 CHAPTER 11

Community orders and suspended sentence orders

18 Duty to obtain permission before changing residence

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) After section 220 insert—

“220A Duty to obtain permission before changing residence

- (1) An offender in respect of whom a relevant order is in force must not change residence without permission given in accordance with this section by—
 - (a) the responsible officer, or
 - (b) a court.
- (2) The appropriate court may, on an application by the offender, give permission in a case in which the responsible officer has refused.
- (3) A court may also give permission in any proceedings before it under Schedule 8 or 12 (breach or amendment of orders etc).
- (4) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence—
 - (a) is likely to prevent the offender complying with a requirement imposed by the relevant order, or
 - (b) would hinder the offender's rehabilitation.
- (5) The obligation imposed by subsection (1) is enforceable as if it were a requirement imposed by the relevant order.
- (6) This section does not apply if the relevant order includes a residence requirement imposed under section 206.

Status: Point in time view as at 01/02/2015. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014, Section 18. (See end of Document for details)

- (7) For cases in which a relevant order has to be amended because of permission given under this section, see paragraph 16 of Schedule 8 and paragraph 14 of Schedule 12 (amendment to reflect change in local justice area).
- (8) In this section “the appropriate court” has the same meaning as in paragraph 16 of Schedule 8 or paragraph 14 of Schedule 12.”
- (3) In section 220(1), omit paragraph (b) and the “and” before it (duty to notify responsible officer of change of address).
- (4) In Schedule 8 (breach, revocation or amendment of community order), in paragraph 9, omit sub-paragraph (5A).
- (5) For paragraph 16 of Schedule 8 substitute—

- “16 (1) This paragraph applies where at any time while a community order is in force in respect of an offender—
- (a) the offender is given permission under section 220A to change residence, and
 - (b) the local justice area in which the new residence is situated (“the new local justice area”) is different from the local justice area specified in the order.
- (2) If the permission is given by a court, the court must amend the order to specify the new local justice area.
- (3) If the permission is given by the responsible officer—
- (a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and
 - (b) the court must make that amendment.
- (4) In this paragraph “the appropriate court” means—
- (a) in relation to a community order imposing a drug rehabilitation requirement which is subject to review, the court responsible for the order,
 - (b) in relation to a community order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, the Crown Court, and
 - (c) in relation to any other community order, a magistrates' court acting in the local justice area specified in the order.

- 16A (1) This paragraph applies where at any time while a community order is in force in respect of an offender—
- (a) a court amends the order,
 - (b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and
 - (c) the local justice area in which that place is situated (“the new local justice area”) is different from the local justice area specified in the order.

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- (2) The court must amend the order to specify the new local justice area.”
- (6) In Schedule 8, in paragraph 24, omit “No order may be made under paragraph 16, and”.
- (7) In Schedule 12 (breach, revocation or amendment of suspended sentence order, and effect of further conviction), in paragraph 8, omit sub-paragraph (4A).
- (8) For paragraph 14 of Schedule 12 substitute—

- “14 (1) This paragraph applies where at any time while a suspended sentence order is in force in respect of an offender—
 - (a) the offender is given permission under section 220A to change residence, and
 - (b) the local justice area in which the new residence is situated (“the new local justice area”) is different from the local justice area specified in the order.
- (2) If the permission is given by a court, the court must amend the order to specify the new local justice area.
- (3) If the permission is given by the responsible officer—
 - (a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and
 - (b) the court must make that amendment.
- (4) In this paragraph “the appropriate court” has the same meaning as in paragraph 13.

- 14A (1) This paragraph applies where at any time while a suspended sentence order is in force in respect of an offender—
 - (a) a court amends the order,
 - (b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and
 - (c) the local justice area in which that place is situated (“the new local justice area”) is different from the local justice area specified in the order.

(2) The court must amend the order to specify the new local justice area.”

- (9) In Schedule 12, in paragraph 19(1), omit “, and no order may be made under paragraph 14,”.
- (10) In Schedule 31 (fine default orders), after paragraph 3A insert—

“Change of residence

- 3B (1) In its application to a default order, section 220(1) (duty of offender to keep in touch with responsible officer) is modified as follows.
- (2) At the end of paragraph (a) there is inserted “and
 - (b) must notify the responsible officer of any change of address.”

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3C Section 220A (duty to obtain permission before changing residence) does not apply in relation to a default order.”

(11) In Schedule 31, in paragraph 4, after sub-paragraph (4) insert—

“(4A) For paragraphs 16 and 16A there is substituted—

- “16
- (1) This paragraph applies where, at any time while a default order is in force in respect of a person, the appropriate court is satisfied that the person proposes to change, or has changed, residence from the local justice area concerned to another local justice area (“the new local justice area”).
 - (2) The appropriate court may amend the default order to specify the new local justice area.
 - (3) In this paragraph “the appropriate court” means a magistrates' court acting in the local justice area specified in the order.””

(12) In Schedule A1 to the Children Act 1989 (enforcement orders), in paragraph 3, after sub-paragraph (7) insert—

- “(7A) In section 220(1) (duty of offender to keep in touch with responsible officer), at the end of paragraph (a) insert “and
- (b) must notify the responsible officer of any change of address.”

(7B) Section 220A (duty to obtain permission before changing residence) is omitted.”

Commencement Information

I1 S. 18(1)-(4)(6)(7)s. 18(9)-(12) in force at 1.2.2015 by S.I. 2015/40, art. 2(p)

I2 S. 18(5)(8) in force at 1.2.2015 for specified purposes by S.I. 2015/40, art. 2(p)

Status:

Point in time view as at 01/02/2015. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Offender Rehabilitation Act 2014, Section 18.