



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 10

CUSTODIAL SENTENCES

CHAPTER 5

SUSPENDED SENTENCES

What a suspended sentence order is

286 Suspended sentence order

- (1) A suspended sentence order is an order providing that a sentence of imprisonment or detention in a young offender institution in respect of an offence is not to take effect unless—
 - (a) an activation event occurs, and
 - (b) a court having power to do so subsequently orders under paragraph 13 of Schedule 16 that the sentence is to take effect.
- (2) A suspended sentence order may also specify one or more available community requirements with which the offender must comply during the supervision period.
- (3) An activation event occurs if the offender—
 - (a) commits another offence in the United Kingdom during the operational period (whether or not punishable with imprisonment), or
 - (b) during the supervision period, contravenes any community requirement imposed by the order.
- (4) The community requirements are listed in column 1 of the community requirements table (see section 287).

Status: Point in time view as at 31/03/2023.

Changes to legislation: Sentencing Act 2020, Cross Heading: What a suspended sentence order is is up to date with all changes known to be in force on or before 13 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)

- (5) Provision about each requirement is made by the provisions of Schedule 9 mentioned in the corresponding entry in column 2 of that table.
- (6) In this Code—
 “suspended sentence order” has the meaning given by subsection (1);
 “suspended sentence” means a sentence to which a suspended sentence order relates.
- (7) In this Code, references to a community requirement of, or imposed by, a suspended sentence order are to a requirement specified in the order under subsection (2).

Modifications etc. (not altering text)

- C1** S. 286 modified by 2006 c. 52, s. 200(1)(c)(i) (as substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C2** S. 286 applied (with modifications) by 2006 s. 52, s. 200A (as substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- II** S. 286 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

287 Suspended sentence order: community requirements table

The community requirements table referred to in sections 286, 290 and 292 is—

<i>Requirement</i>	<i>Part of Schedule 9 relating to requirement</i>	<i>Restrictions on availability</i>
unpaid work requirement	Part 1	
rehabilitation activity requirement	Part 2	
programme requirement	Part 3	
prohibited activity requirement	Part 4	
curfew requirement	Part 5	
exclusion requirement	Part 6	
residence requirement	Part 7	
foreign travel prohibition requirement	Part 8	
mental health treatment requirement	Part 9	
drug rehabilitation requirement	Part 10	
[^{F1} drug testing requirement	Part 10A	section 291(3A)]
alcohol treatment requirement	Part 11	
alcohol abstinence and monitoring requirement	Part 12	section 291(1) or (2)
attendance centre requirement	Part 13	section 291(3)

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electronic compliance monitoring requirement Part 14 section 291(4)
electronic whereabouts monitoring requirement Part 14

Textual Amendments

F1 Words in s. 287 table inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), s. 208\(5\)\(s\)](#), [Sch. 15 para. 4](#)

Commencement Information

I2 S. 287 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

288 Operational period and supervision period

- (1) A suspended sentence order must specify the operational period (see section 286(3)(a)).
- (2) The operational period must be a period, beginning with the day on which the order is made, of—
 - (a) at least 6 months, and
 - (b) not more than 2 years.
- (3) If a suspended sentence order imposes any community requirement or requirements, the order must specify the supervision period (see section 286(2)).
- (4) The supervision period specified must be a period, beginning with the day on which the order is made, of—
 - (a) at least 6 months, and
 - (b) not more than—
 - (i) 2 years, or
 - (ii) if less, the operational period.
- (5) But if the suspended sentence order imposes an unpaid work requirement, the supervision period—
 - (a) continues until the offender has worked under the order for the number of hours specified in the order under paragraph 2(1) of Schedule 9, but
 - (b) does not continue beyond the end of the operational period.

Commencement Information

I3 S. 288 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

289 Suspended sentence to be treated generally as sentence of imprisonment etc

- (1) A suspended sentence which has not taken effect under paragraph 13 of Schedule 16 is to be treated as—
 - (a) a sentence of imprisonment, or
 - (b) as the case may be, a sentence of detention in a young offender institution, for the purposes of all enactments and instruments made under enactments.

Status: Point in time view as at 31/03/2023.

Changes to legislation: Sentencing Act 2020, Cross Heading: What a suspended sentence order is up to date with all changes known to be in force on or before 13 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)

- (2) Subsection (1) is subject to any provision to the contrary contained in—
- (a) the Criminal Justice Act 1967,
 - (b) any enactment passed or instrument made under any enactment after 31 December 1967.

Commencement Information

I4 S. 289 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status:

Point in time view as at 31/03/2023.

Changes to legislation:

Sentencing Act 2020, Cross Heading: What a suspended sentence order is is up to date with all changes known to be in force on or before 13 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.