

Status: Point in time view as at 01/12/2020.

Changes to legislation: Sentencing Act 2020, Paragraph 20 is up to date with all changes known to be in force on or before 17 June 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)

SCHEDULES

SCHEDULE 9

COMMUNITY ORDERS AND SUSPENDED SENTENCE ORDERS: REQUIREMENTS

Modifications etc. (not altering text)

- C1** Sch. 9 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 paras. 241\(5\)](#), **249** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 9 applied (in part) (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 9 applied (in part) (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 9 applied (in part) (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

PART 10

DRUG REHABILITATION REQUIREMENT

Restriction on imposing drug rehabilitation requirement

- 20 (1) A court may not impose a drug rehabilitation requirement unless the following conditions are met—
- (a) the need for treatment condition,
 - (b) the arrangements condition,
 - (c) the suitability condition, and
 - (d) the consent condition.
- (2) The need for treatment condition is that the court is satisfied—
- (a) that the offender—
 - (i) is dependent on drugs, or
 - (ii) has a propensity to misuse drugs, and
 - (b) that the offender's dependency or propensity—
 - (i) requires treatment, and
 - (ii) may be susceptible to treatment.
- (3) The arrangements condition is that the court is satisfied that arrangements—
- (a) have been made, or
 - (b) can be made,

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for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender, where the offender is to be required to submit to resident treatment (within the meaning given in paragraph 19(2)).

- (4) The suitability condition is that the requirement has been recommended to the court as being suitable for the offender by an officer of a provider of probation services.
- (5) The consent condition is that the offender expresses willingness to comply with the requirement.

Modifications etc. (not altering text)

- C1** Sch. 9 paras. 1-20 modified by 2006 c. 52, s. 200(1)(c)(iv) (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** Sch. 9 para. 20(1)(d) excluded by 2006 c. 52, Sch. 6 para. 5(3) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 11(7)(c)** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

- I1** Sch. 9 para. 20 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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