

**2005 No. 648**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice (Sentencing) (Licence Conditions) Order  
2005**

<i>Made</i> - - - -	<i>9th March 2005</i>
<i>Laid before Parliament</i>	<i>14th March 2005</i>
<i>Coming into force</i> - -	<i>4th April 2005</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 250(1), (2)(b)(ii) and (4)(b)(ii), and 330(4)(b) of the Criminal Justice Act 2003(a) and, in relation to section 250(1) and (4)(b)(ii), having regard to the purposes of the supervision of offenders set out in section 250(8) of that Act, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Criminal Justice (Sentencing) (Licence Conditions) Order 2005 and shall come into force on 4th April 2005.

(2) In this Order—

“the Act” means the Criminal Justice Act 2003;

“the 1991 Act” means the Criminal Justice Act 1991(b).

**Standard conditions of licence**

2.—(1) The conditions set out in paragraph (2) are the standard conditions prescribed for the purposes of section 250 (1) of the Act.

(2) The prisoner must—

- (a) keep in touch with the responsible officer as instructed by him;
- (b) receive visits from the responsible officer as instructed by him;
- (c) permanently reside at an address approved by the responsible officer and obtain the prior permission of the responsible officer for any stay of one or more nights at a different address;
- (d) undertake work (including voluntary work) only with the approval of the responsible officer and obtain his prior approval in relation to any change in the nature of that work;
- (e) not travel outside the United Kingdom, the Channel Islands or the Isle of Man without the prior permission of the responsible officer, except where he is deported or removed from

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(a) 2003 c.44.  
(b) 1991 c.53.

the United Kingdom in accordance with the Immigration Act 1971<sup>(a)</sup> or the Immigration and Asylum Act 1999<sup>(b)</sup>;

- (f) be of good behaviour, and not behave in a way which undermines the purposes of the release on licence, which are to protect the public, prevent re-offending and promote successful re-integration into the community;
- (g) not commit any offence.

#### **Other conditions of licence**

3.—(1) Conditions of a kind set out in paragraph (2) are prescribed for the purposes of section 250(2)(b)(ii) and (4) (b) (ii) of the Act.

(2) The conditions are those which impose on a prisoner:

- (a) a requirement that he reside at a certain place;
- (b) a requirement relating to his making or maintaining contact with a person;
- (c) a restriction relating to his making or maintaining contact with a person;
- (d) a restriction on his participation in, or undertaking of, an activity;
- (e) a requirement that he participate in, or co-operate with, a programme or set of activities designed to further one or more of the purposes referred to in section 250(8) of the Act;
- (f) a requirement that he comply with a curfew arrangement;
- (g) a restriction on his freedom of movement (which is not a requirement referred to in subparagraph (f));
- (h) a requirement relating to his supervision in the community by a responsible officer.

(3) For the purpose of this article, “curfew arrangement” means an arrangement under which a prisoner is required to remain at a specified place for a specified period of time which is not an arrangement contained in a condition imposed by virtue of section 37A(1)(c) of the 1991 Act or section 250(5) of the Act.

#### **Revocation and saving**

4.—(1) The Criminal Justice (Sentencing) (Licence Conditions) Order 2003<sup>(d)</sup> is hereby revoked.

(2) The revocation of the instrument referred to in paragraph (1) does not affect the validity of conditions included in any licence granted under Chapter 6 of Part 12 of the Act before 4th April 2005 and in force on that date.

Home Office  
9th March 2005

*Paul Goggins*  
Parliamentary Under-Secretary of State

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(a) 1971 c.77.

(b) 1999 c.33.

(c) Section 37A was inserted by the Crime and Disorder Act 1998 (c.37) s100(1). It is prospectively repealed by the Criminal Justice Act 2003 (c.44), Sch 37.

(d) S.I. 2003/3337.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order prescribes the conditions for inclusion in a prisoner's licence when he is released from prison.

Article 2 prescribes the standard conditions, which apply in the case of all prisoners released on licence, and cover matters such as residence, work and travel. These conditions are substantially the same as those included in the Criminal Justice (Sentencing) (Licence Conditions) Order 2003 (S.I. 2003/3337) ("the 2003 Order"), referred to below.

Article 3 prescribes other kinds of condition which may be included in the licence if the prisoner is serving a sentence of twelve months or more, or, if he is serving a sentence of less than 12 months, the condition is required for the purpose of public protection. These conditions are different from those included in the 2003 Order. The differences reflect the fact that up until 4th April 2005 only prisoners serving a sentence of intermittent custody have had the conditions applied to them. After that date, they will also apply to prisoners serving longer sentences, and different conditions are therefore needed.

Article 4 revokes the 2003 Order, and includes a saving to ensure the continuing validity of conditions included in licences before 4th April 2005.

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