

**2016 No. 10**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) (Amendment) Order 2016**

<i>Made</i>	- - - -	<i>7th January 2016</i>
<i>Laid before Parliament</i>		<i>8th January 2016</i>
<i>Coming into force</i>	- -	<i>30th January 2016</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 212A(6) and (7) of the Criminal Justice Act 2003(a).

**Citation and commencement**

1. This Order may be cited as the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) (Amendment) Order 2016 and comes into force on 30th January 2016.

**Amendment to the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2014**

2. In article 2(1) (prescription for the purpose of section 212A(6) of the Criminal Justice Act 2003) of the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2014(b), after “2015” insert “and the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Alcohol Abstinence and Monitoring Requirements) Piloting (Amendment) Order 2016(c)”.

7th January 2016

*Andrew Selous*  
Parliamentary Under Secretary of State  
Ministry of Justice

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(a) 2003 c. 44. Section 212A is inserted into the Criminal Justice Act 2003 by section 76 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). Section 76 of the 2012 Act is in force only in the South London local justice area.  
(b) S.I. 2014/1787. Amended by S.I. 2015/1482.  
(c) S.I. 2016/1.

## EXPLANATORY NOTE

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

This Order amends the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2014 (S.I. 2014/1787) (the “2014 Order”) as amended by the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) (Amendment) Order 2015 (S.I. 2015/1482). Section 76 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the 2012 Act”) was in force for a period of 12 months beginning with 31st July 2014. That period was previously extended for 6 months by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Alcohol Abstinence and Monitoring Requirements) Piloting (Amendment) Order 2015 (S.I. 2015/1480). The period for which section 76 of the 2012 Act is in force has been extended, to 31st March 2016, by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Alcohol Abstinence and Monitoring Requirements) Piloting (Amendment) Order 2016 (S.I. 2016/1).

Section 76 of the 2012 Act had the effect of inserting section 212A into the Criminal Justice Act 2003 (c. 44). This provides that an alcohol abstinence and monitoring requirement can be imposed as part of a requirement of a community order or suspended sentence order.

This Order keeps in place, to the end of 31st March 2016, the specification that monitoring of compliance with the obligations of an alcohol abstinence and monitoring requirement that has been imposed as part of the pilot scheme provided for by the 2014 Order will be through a transdermal electronic tag. This is a tag fitted to an offender to measure the level of alcohol contained in their sweat.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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