2001 No. 850

PROBATION

The Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001

Made - - - - -	*8th March 2001*
Laid before Parliament	*9th March 2001*
Coming into force - -	*1st April 2001*

In exercise of the powers conferred upon him by section 9(3) of the Criminal Justice and Court Services Act 2000(**a**), the Secretary of State hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001 and shall come into force on 1st April 2001.

Interpretation

2. In these Regulations—

"admissions policy", in relation to approved premises, means a policy which specifies the categories of person considered suitable to reside at the premises;

"approved premises" means premises approved under section 9 of the Criminal Justice and Court Services Act 2000;

"community sentence" has the meaning given to it by section 33 of the Powers of Criminal Courts (Sentencing) Act 2000(**b**);

"management committee" has the meaning given to it by regulation 5;

"managing body" means—

(a) in relation to approved premises provided by a local probation board, that board, and

(b) in relation to any other approved premises, the management committee established for those premises under regulation 5;

"relevant local board", in relation to approved premises, means the local probation board in whose area the approved premises are situated;

"resident", in relation to approved premises, means a person who lives in the approved premises otherwise than in the course of his employment, and "reside" shall be construed accordingly.

(2) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered in these Regulations.

Revocation

3. The Approved Probation and Bail Hostel Rules 1995(**c**) are hereby revoked.

(**a**) 2000 c. 43.
(**b**) 2000 c. 6.
(**c**) S.I. 1995/302.

Management of approved premises that are not provided by local probation boards

4. Regulations 5 to 7 shall apply to approved premises which are not provided by a local probation board.

Management committees

5. All approved premises to which this regulation applies must be managed by a committee (in these Regulations known as a "management committee").

Management committees: constitution

6.—(1) Each management committee must prepare a written constitution, which shall not become effective until it has been agreed with the relevant local board.

(2) The constitution must deal with the membership of the management committee, the duration of appointments to it, the frequency of its meetings, its quorum and such other matters as the management committee or the relevant local board consider appropriate.

Management committees: meetings and reports

7.—(1) Each management committee must notify the relevant local board of the dates and times of its meetings and must permit—

(a) a member of the relevant local board;

(b) an officer of the relevant local board of the grade of assistant chief officer or above; and

(c) a person appointed by or on behalf of the Secretary of State,

to attend its meetings for the purpose of giving advice to the management committee.

(2) Each management committee must keep minutes of its meetings and make them available for inspection by or on behalf of the Secretary of State and by any auditor appointed to audit its accounts.

(3) Each management committee must publish an annual report containing the names of its members and such other information as the Secretary of State may require.

General duties of the managing bodies of approved premises

8.—(1) Each managing body must ensure that—

(a) the approved premises under its management are maintained in a condition which is satisfactory having regard to their purpose;

(b) the premises are run in a manner which promotes public protection and the reduction of offending behaviour;

(c) at least two members of staff are present on the premises at all times.

(2) The managing body must exercise effective control over all expenditure incurred in connection with the approved premises and must prepare such statements of accounts as the Secretary of State may require.

(3) The managing body shall be responsible for the appointment, training, discipline and dismissal of the staff of the approved premises.

(4) The managing body must prepare house rules for the approved premises, governing the conduct of residents, which must comply with any requirements of the Secretary of State as to the content of such rules.

(5) The managing body must bring the house rules prepared under paragraph (4) above to the attention of every resident of the approved premises and take all appropriate measures to ensure that they are complied with by all such residents.

Residence conditions

9.—(1) Except with the prior consent of the Secretary of State the number of residents at any approved premises at any time must not exceed such number as may be approved in respect of those premises by the Secretary of State.

(2) Except with the prior consent of the Secretary of State the managing body of any approved premises must not allow any person to be present on the premises if he is outside such age limits as may be approved by the Secretary of State in respect of the premises.

(3) The managing body of any approved premises must not allow any person to become a resident of the premises or, where he is a resident, allow him to continue to reside there, unless—

(a) he is on bail in criminal proceedings (within the meaning of the Bail Act 1976(**a**));

(b) he is serving a community sentence;

(c) he is on licence, or is subject to supervision by virtue of section 65 of the Criminal Justice Act 1991(**b**);

(d) the chief officer of the relevant local board, someone acting on his behalf or the Secretary of State considers that residence at the approved premises is necessary for the protection of the public; or

(e) the chief officer of the relevant local board, someone acting on his behalf or the Secretary of State considers that the person ought to receive supervision or treatment and that residence at the approved premises is necessary in order to enable him to receive it.

Admissions

10.—(1) Every managing body of approved premises must adopt an admissions policy for the premises.

(2) The admissions policy must—

(a) comply with any requirements of the Secretary of State as to the admissions policies of approved premises; and

(b) where the approved premises are premises to which regulations 5 to 7 apply, be approved by the Secretary of State.

(3) The managing body must notify the courts for the area in which the approved premises are situated of the terms of its admissions policy.

(4) Subject to regulation 9, every managing body of approved premises must admit as a resident of the premises any person who falls within one of the categories of person specified as suitable in the admissions policy, but no other person.

Residents subject to a residence requirement

11.—(1) Where a person is subject to a requirement (in this regulation referred to as a "residence requirement") to reside at the approved premises by virtue of—

(a) a term of any court order; or

(b) any condition of a licence or requirement imposed under section 65 of the Criminal Justice Act 1991,

the managing body must not, except in the circumstances described in paragraph (2) below, require him to end his residence before the expiry of the residence requirement.

(2) The circumstances referred to in paragraph (1) above are—

(a) that an emergency has arisen; or

(b) that the resident has broken the house rules and that breach has been reported—

(i) in a case to which paragraph (1)(a) applies, to the court which made the order; or

(ii) in a case to which paragraph (1)(b) applies, to the Prison Service.

(3) Where the managing body for any approved premises intends to require a person who is subject to a residence requirement to end his residence at the premises, it must give reasonable notice of that intention to any officer of a local probation board responsible for the resident and, in the case of a resident on bail, to the court which granted bail.

(**a**) 1976 c. 63.
(**b**) 1991 c. 53.

Periods of leave

12. A person residing at approved premises who is required to reside at the premises by any provision of a community sentence may, with the consent of the officer responsible for supervising that order and the person in charge of the premises, leave the premises for a period of not more than five consecutive days.

Absconding

13. Where a resident absconds from approved premises, the person in charge of the premises shall immediately notify—

(a) in the case of a resident required by or under any provision of a community sentence to reside at the approved premises, the person responsible for supervising that sentence;

(b) in the case of a resident required by virtue of any condition of a licence or any requirement imposed under section 65 of the Criminal Justice Act 1991 to reside at the approved premises, the person responsible for supervising that licence or notice of supervision;

(c) in the case of a resident who is on bail and is required as a condition of that bail to reside at the approved premises, the court which granted bail, the police and any officer of a local probation board assigned to the resident's case.

Financial hardship

14. Where a resident of any approved premises is suffering financial hardship, the managing body for the premises may make arrangements for him to be paid an allowance.

Expenses

15. Every managing body must charge residents, in respect of the expenses of their maintenance, such sums as the Secretary of State may determine.

Medical care and advice

16.—(1) Every managing body must ensure that facilities are available for the provision of any necessary medical and dental treatment.

(2) The managing body may appoint a medical officer to assist it in discharging its functions under paragraph (1) above.

Records and returns

17. Every managing body must arrange for the keeping of all registers and records required by the Secretary of State and must cause to be sent to the Secretary of State such returns, statements and other information as may be required by him from time to time.

Inspection

18. Every managing body must arrange for the approved premises for which it is responsible to be open at all times to inspection by or on behalf of the Secretary of State and must, in connection with any such inspection, make available for examination the books and records of the approved premises.

Barbara Roche
Minister of State

Home Office
8th March 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the regulation, management and inspection of premises approved under section 9 of the Criminal Justice and Court Services Act 2000.

The Regulations lay down particular requirements for the management of approved premises by organisations other than local probation boards and for those boards to approve the constitutions and, together with a representative of the Secretary of State, to attend the meetings of the managing bodies of such premises.

The Regulations also lay down requirements that apply to the management of all approved premises. In particular, they contain requirements about financial control, the conduct of residents and medical care. Requirements are placed on those who manage approved premises as to the keeping and inspection of records.

The Regulations require the management bodies of all approved premises to adopt admissions policies and place restrictions on the circumstances in which certain residents may be asked to leave. They also indicate the steps which must be taken in a case where a person required to reside in the approved premises is asked to leave or absconds.

STATUTORY INSTRUMENTS

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The Criminal Justice and Court Services Act 2000 (Approved Premises) Regulations 2001

ISBN 0-11-028934-X

9 780110 289342

£2.00

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E644 3/2001 601667 19585