STATUTORY INSTRUMENTS

2022 No. 459

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice (Sentencing) (Licence Conditions) (Amendment) Order 2022

Made - - - -	*19th April 2022*
Laid before Parliament	*20th April 2022*
Coming into force - -	*11th May 2022*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 250(1), 250(4)(b)(ii) and 330(3) of the Criminal Justice Act 2003(**a**).

In making this Order, in accordance with section 250(8) of that Act, the Secretary of State has had regard to the following purposes of the supervision of offenders while on licence under Chapter 6 Part 12 of that Act –

(a) the protection of the public;

(b) the prevention of re-offending; and

(c) securing the successful re-integration of the prisoner into the community.

Citation, commencement and extent

1.—(1) This Order may be cited as the Criminal Justice (Sentencing) (Licence Conditions) (Amendment) Order 2022 and comes into force on the twenty-first day after the day on which it is laid.

(2) This Order extends to England and Wales.

Amendment to the Criminal Justice (Sentencing) (Licence Conditions) Order 2015

2.—(1) The Criminal Justice (Sentencing) (Licence Conditions) Order 2015(**b**) is amended as follows.

(2) In article 1(2) (citation, commencement and interpretation), after the definition of "offender", insert—

(**a**) 2003 c. 44. Section 250(4) was amended by section 28(5) of the Offender Management Act 2007 (c. 21); sections 111(2), 117(1) and (5) and 125(4) of, and paragraphs 5 and 9 of Schedule 14 and paragraphs 1 and 6(1) and (2) of Schedule 20 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10); section 12(2) of the Offender Rehabilitation Act 2014 (c. 11); sections 6(2) and 7(4) of, and paragraphs 14 and 17 of Schedule 1 and paragraphs 3 and 4 of Schedule 2 to, the Criminal Justice and Courts Act 2015 (c. 2); section 410 and paragraphs 227(1) and (2) of Schedule 24 to the Sentencing Act 2020 (c. 17); and section 46 and paragraphs 9(1) and (5), and 21(1) and (5)(a) of, Schedule 13 to the Counter-Terrorism and Sentencing Act 2021 (c. 11). Section 250(4) is modified by article 3(11) of the Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order (S.I. 2005/643).

(**b**) S.I. 2015/337, as amended by S.I. 2017/985.

""terrorist offender" has the same meaning as in section 43B(4)(a) of the Terrorism Act 2000(**a**).".

(3) In article 7 (other types of licence conditions)—

(a) in paragraph (1), after "(2)", insert "and (2A)".

(b) after paragraph (2), insert—

"(2A) A search condition, meaning a condition requiring a terrorist offender to submit to a search of their person under section 43C of the Terrorism Act 2000."

Kit Malthouse
Minister of State
Ministry of Justice

19th April 2022

EXPLANATORY NOTE

(This note is not part of the Order)

The Police, Crime, Sentencing and Courts Act 2022 (c. xx) will introduce a power for the police to search terrorist offenders released on licence where they are satisfied it is necessary to do so for purposes connected with protecting members of the public from a risk of terrorism, and where the offender has a search condition included in their licence.

This Order amends the list of types of other licence conditions in article 7 of the Criminal Justice (Sentencing) (Licence Conditions) Order 2015 (S.I. 2015/337) ("the 2015 Order") to provide for the inclusion of the search condition in the licences of released terrorist offenders.

Article 2(2) adds a new definition of "terrorist offender" to the 2015 Order. This includes those subject to release under section 247A of the Criminal Justice Act 2003 (c. 44), or, where the offender was sentenced in another part of the United Kingdom but transferred on an unrestricted basis to serve their licence period in England and Wales, section 1AB of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9) or article 20A of the Criminal Justice (Northern Ireland) Order 2008 (2008/1216). It also includes those who would have been subject to those provisions, but for the fact the offender has already been released on licence.

Article 2(3) adds the new search condition to article 7 of the 2015 Order.

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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(**a**) 2000 c. 11. Section 43B was inserted by section 182 of the Police, Crime, Sentencing and Courts Act 2022 (c. xx).

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