Clause 2 agreed to.

Mr Elfyn Llwyd

Clause 3, page 2, line 23, leave out ‘must comply with the supervision requirements’ and insert ‘is entitled to be supervised on a voluntary basis’.

Mr Elfyn Llwyd

Clause 3, page 2, line 23, leave out lines 29 to 31.

Mr Elfyn Llwyd

Clause 3, page 2, line 34, leave out ‘the period of’ and insert ‘a period specified by the sentencing court which does not exceed’.

Mr Elfyn Llwyd

Clause 3, page 2, line 42, at end insert—

‘(7A) The Secretary of State must prescribe minimum training requirements to be completed by the supervisor, in regulations to be laid before, and approved by resolution of, both Houses of Parliament.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 3, page 2, line 42, at end insert—

‘(7A) The Secretary of State must prescribe minimum training requirements to be completed by the supervisor, in regulations to be laid before, and approved by resolution of, both Houses of Parliament.’.
Clause 3, page 2, line 42, at end insert—

‘(7A) (a) at the start of the supervision period the supervisor must record whether the offender is currently or has previously been looked after by a local authority.

(b) where the offender is an eligible child as defined in paragraph 19B(2) of Part II of Schedule 2 to the Children Act 1989, the supervisor must discharge the functions conferred on him by this Chapter in consultation with the local authority responsible for preparing a pathway plan for the offender.

(c) in this subsection “looked after by a local authority” shall have the same meaning as in section 22(1) of the Children Act 1989.’.

Clause 3, page 2, line 42, at end insert—

‘(7A) The supervisor must explain to the offender in language appropriate to his individual intellectual ability and understanding—

(a) the effect of the supervision requirements, and

(b) the effect of non-compliance with any requirement with which the offender is required to comply.’.
Public Bill Committee Proceedings: 28 November 2013

Offender Rehabilitation Bill [Lords], continued

domestic violence offence, the supervisor must be an officer of a public sector provider of probation services.

(b) In subparagraph (a) “public sector provider” means—
   (i) a probation trust, or
   (ii) the national probation service.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 3, page 3, line 5, at end insert—

‘(8A) where the offender turns 18 on or before the last day of the requisite custodial period but is under the age of 21, the supervisor may be a member of a youth offending team established by the local authority in whose area the offender resides for the time being.

(b) the decision as to when to transfer responsibility for an offender from a member of a youth offending team to an officer of another provider of probation services must be taken by the relevant youth offending team, in consultation with the future provider of probation services.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 3, page 3, line 5, at end insert—

‘(8A) Where the supervisor is an officer of a non-public sector provider of probation services the Secretary of State must—
   (a) designate the provider as a “public authority”, as defined in section 3 of the Freedom of Information Act 2000;
   (b) limit contractual arrangements with the provider for the provision of probation services to a maximum length of five years;
   (c) prescribe key performance standards that the provider is required to meet in regulations to be laid before, and approved by resolution of, both Houses of Parliament;
   (d) have the power to terminate the contractual arrangements at any time if the provider fails to meet the key perfomance standards;
   (e) agree with the provider a percentage of the contract fee that must be returned to the Exchequer on the occasion that the provider fails to meet the key performance standards.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 3, page 3, line 5, at end insert—

‘(8A) Supervisors may not be officers of any provider of probation services that is under investigation by a UK police force, the Serious Fraud Office or any other UK law enforcement agency.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Negatived on division 33

Clause 3, page 3, line 5, at end insert—

‘(8A) Where the supervisor is an officer of a non-public sector provider of probation services the Secretary of State must—
   (a) designate the provider as a “public authority”, as defined in section 3 of the Freedom of Information Act 2000;
   (b) limit contractual arrangements with the provider for the provision of probation services to a maximum length of five years;
   (c) prescribe key performance standards that the provider is required to meet in regulations to be laid before, and approved by resolution of, both Houses of Parliament;
   (d) have the power to terminate the contractual arrangements at any time if the provider fails to meet the key perfomance standards;
   (e) agree with the provider a percentage of the contract fee that must be returned to the Exchequer on the occasion that the provider fails to meet the key performance standards.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Negatived on division 34
Offender Rehabilitation Bill [Lords], continued

Mr Elfyn Llwyd

Clause 3, page 3, line 5, at end insert—
‘(8A) A court passing a sentence to which this section applies may—
(a) provide for progress of supervision to be reviewed periodically at specified intervals,
(b) provide for each review to be made at a hearing held for the purpose by the court which passed the sentence,
(c) require the offender to attend each review hearing,
(d) provide for the supervisor to make to the court before each review a report in writing on the offender’s progress under supervision, and
(e) at a review hearing, after considering the supervisor’s report, amend the supervision requirements.’.

Mr Elfyn Llwyd

Clause 3, page 3, line 6, at end add—
‘(8A) Offenders released under this section shall be supervised by staff working for the National Probation Service or staff seconded from the National Probation Service to other providers of probation services.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 3, page 3, line 20, at end add—
‘(5) This section may not come into force until such a time as the Secretary of State has piloted the provisions in one or more probation trust areas, and has laid before Parliament an independent evaluation of the pilot.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner

Clause 3, page 3, line 20, at end insert—
‘(5) The Secretary of State must lay before both Houses of Parliament a report on the cost of implementing the provisions in this section after one year of it coming into force.’.

Mr Elfyn Llwyd

Clause 3, page 3, line 20, at end add—
‘(5) A supervisor may apply to the court for the supervision period to be discharged for good conduct provided that half of that supervision period has been completed.’.

Clause agreed to.
Schedule 1, page 20, line 34, at end insert—
‘(k) a mental health assessment requirement.’.

Mr Elfyn Llwyd

Schedule 1, page 20, line 34, at end add—
‘(k) literacy, numeracy and employment training.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Schedule 1, page 21, line 10, at end insert—
‘(4A) An order under subsection (4) shall be made by statutory instrument.
(4B) A statutory instrument introduced under subsection (4A) shall be subject to approval by both Houses of Parliament.’.

Jeremy Wright

Schedule 1, page 21, line 26, leave out paragraph (a) and insert—
‘(a) the Secretary of State is satisfied of the matters in subsection (2A),’.

Jeremy Wright

Schedule 1, page 21, line 30, at end insert—
‘(2A) Those matters are—
(a) that the misuse by the offender of a specified class A drug or a specified class B drug caused or contributed to an offence of which the offender has been convicted or is likely to cause or contribute to the commission of further offences by the offender, and
(b) that the offender is dependent on, or has a propensity to misuse, a specified class A drug or a specified class B drug.’.

Mr Elfyn Llwyd

Schedule 1, page 21, line 31, at end insert—
‘(c) the drug test must be administered by a professionally qualified practitioner.’.

Schedule, as amended, agreed to.
Offender Rehabilitation Bill [Lords], continued

Mr Elfyn Llwyd

Clause 4, page 4, leave out lines 1 and 2.

Withdrawn 42

Mr Elfyn Llwyd

Clause 4, page 4, line 9, after “204)” insert ‘, or
(d) restate the requirements with which the offender must comply and warn
the offender of the consequences if he fails on a further occasion to
comply with any of the requirements of the order.’.

Not called 41

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 4, page 4, line 9, at end insert—

‘(9A) The Secretary of State must make an annual report to Parliament on the number
of breaches of a supervision requirement recorded in the preceding year, the
reasons recorded for an offender’s failure to comply in each case, and the
outcome in each case including details of any order imposed on the offender by a
magistrates’ court.’.

Withdrawn 32

Mr Elfyn Llwyd

Page 3, line 21, leave out Clause 4.

Clause agreed to.

Mr Elfyn Llwyd

Schedule 2, page 24, line 35, at end insert—

‘(c) a provider of probation services must ensure that any matter regarding
breach or an amendment to supervision after the end of sentence is
referred to an enforcement officer immediately following discovery of
an allegation of breach or any need to award the supervision order.’.

Withdrawn 29

Mr Elfyn Llwyd

Schedule 2, page 25, line 37, at end insert ‘and the Court may in cases it considers
necessary call the supervisor to give evidence at such hearing.’.

Not called 26

Mr Elfyn Llwyd

Schedule 2, page 26, line 33, at end insert—

‘(8A) The court must be satisfied when discharging an order for good progress that
the offender has complied with all requirements and not been charged with any
subsequent offence.’.

Not called 25

Schedule agreed to.
Clause 5 agreed to.

Jeremy Wright

Clause 6, page 5, line 41, leave out ‘264A’ and insert ‘264B’.

Agreed to

Jeremy Wright

Clause 6, page 6, line 13, leave out ‘After that section’ and insert ‘Before section 265 (and the italic heading before it)’.

Agreed to

Jeremy Wright

Clause 6, page 6, line 14, leave out ‘264A’ and insert ‘264B’.

Agreed to

Jeremy Wright

Clause 6, page 6, line 31, at end insert—

‘( ) In section 249(3) (duration of licence)—
(a) for “sections” substitute “section”, and
(b) for “and 264(3)” substitute “and sections 264(3C)(a) and 264B”.

( ) In section 250 (licence conditions), omit subsection (7).’

Clause agreed to.

Clauses 7 and 8 agreed to.

Jeremy Wright

Schedule 3, page 27, line 23, at end insert—

‘Crime (Sentences) Act 1997 (c. 43)

A1 Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows.

A2 (1) Paragraph 6 (effect of transfers: preliminary) is amended as follows.

(2) In sub-paragraph (2)(b), for “and possible recall following his release” substitute “, possible recall following release and any supervision default order”.

(3) In sub-paragraph (2)(c), for “and possible recall” substitute “, possible recall and any supervision default order”.

(4) In sub-paragraph (3), at the end insert—

“(c) in relation to a person who is supervised under section 256AA of the 2003 Act, being ordered to be committed to prison or detention for failure to comply with a requirement

Agreed to
imposed under that section or by a supervision default order;
(d) in relation to a person who is supervised under section 256B of the 2003 Act, being ordered to be detained for failure to comply with a supervision requirement imposed under that section.”

(5) In sub-paragraph (4), at the appropriate place insert—
‘‘‘supervision default order’’ has the meaning given in section 268(1) of the 2003 Act;’’.

A3 (1) Paragraph 8 (restricted transfers from England and Wales to Scotland) is amended as follows.
(2) In sub-paragraph (2)(a)—
(a) for “264A” substitute “264B”,
(b) after “267B of” insert “, and Schedules 19A, 20A and 20B to,” and
(c) after “104” insert “and 106B”.
(3) In sub-paragraph (4)(a)—
(a) for “264A” substitute “264B”,
(b) after “267B of” insert “, and Schedules 19A, 20A and 20B to,” and
(c) after “104” insert “and 106B”.
(4) In sub-paragraph (6)(f), for “paragraphs (b) and (c)” substitute “paragraph (c)”.
(5) At the end (after the sub-paragraph (7) inserted by section (Drug testing and appointments: offenders transferred within the British Islands) of this Act) insert—
“(8) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—
(a) as if any reference to something listed in the first column of the Table in sub-paragraph (10) were a reference to whatever is opposite it in the second column of that Table, with the modifications in sub-paragraph (11),
(c) in a case falling within section 106B of the Powers of Criminal Courts (Sentencing) Act 2000, with the further modifications in sub-paragraph (12),
and see also paragraphs 8A, 19A and 19B).

(9) In this paragraph “the supervision provisions” means—
(a) sections 256AA to 256E of, and Schedule 19A to, the 2003 Act,
(b) the provisions of the 2003 Act mentioned in section 256AC of, and Schedule 19A to, that Act, as applied by that section and that Schedule, and
(c) section 106B of the Powers of Criminal Courts (Sentencing) Act 2000.
(10) The references mentioned in sub-paragraph (8)(a) are—

<table>
<thead>
<tr>
<th>Reference</th>
<th>Substituted reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crown Court</td>
<td>High Court of Justiciary</td>
</tr>
</tbody>
</table>
(11) The modifications mentioned in sub-paragraph (8)(b) are—

(a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to a licence under the Prisons (Scotland) Act 1989 or the Prisoners and Criminal Proceedings (Scotland) Act 1993,

(b) section 256AC(7)(b) of the 2003 Act has effect as if for “the Secretary of State” there were substituted “the Scottish Ministers”,

(c) paragraph 2 of Schedule 19A to the 2003 Act has effect as if—

(i) sub-paragraph (d) referred only to section 215(1) and (2) of the 2003 Act, and

(ii) sub-paragraph (e) were omitted,

(d) paragraph 3 of Schedule 19A to the 2003 Act has effect as if, after sub-paragraph (7), there were inserted—

“(7A) Section 218(4)(a) applies as if for the words “has been notified by the Secretary of State” there were substituted “is satisfied”,

(e) paragraph 7 of Schedule 19A to the 2003 Act has effect as if—

(i) in paragraph 7(1), for “the supervisor must refer the matter to the enforcement officer” there were substituted “the supervisor may cause an information to be laid before a sheriff court in respect of the person’s failure to comply with the requirement”, and

(ii) sub-paragraphs (2) to (5) were omitted, and

(f) paragraph 12(3) of Schedule 19A to the 2003 Act has effect as if for “makes a community order or suspended sentence
(12) The further modifications mentioned in sub-paragraph (8)(c) are that section 106B of the Powers of Criminal Courts (Sentencing) Act 2000 has effect as if—

(a) in subsection (4), for paragraph (b) there were substituted a reference to an officer of a local authority constituted under the Local Government etc (Scotland) Act 1994 for the local government area in which the offender resides for the time being, and

(b) after subsection (3) there were inserted—

“(3A) Sections 256AA(3) and (6), 256AB(1) and 256E(2) have effect as if the references to the Secretary of State were references to the Scottish Ministers.”.

A4 After paragraph 8 insert—

“Restricted transfers between England and Wales and Scotland: further provision about supervision default orders

“8A (1) This paragraph applies if—

(a) a person’s supervision is transferred to Scotland under paragraph 4 of this Schedule by means of a restricted transfer or transferred back to England and Wales under paragraph 7 of this Schedule, and

(b) at the time of the transfer, or transfer back, a supervision default order is in force in respect of the person.

(2) The supervision default order has effect as if, at the time of the transfer or transfer back, it specified the relevant area in which the person resides or proposes to reside in the new jurisdiction (rather than a relevant area in the jurisdiction from which the person is transferring).

(3) The court acting for that relevant area in the new jurisdiction may amend the supervision default order to specify that area.

(4) In this paragraph—

“relevant area” means—

(a) in England and Wales, a local justice area, and

(b) in Scotland, a local government area within the meaning of the Local Government etc (Scotland) Act 1994;

“supervision default order” has the meaning given in section 268(1) of the 2003 Act.”.

A5 (1) Paragraph 9 (restricted transfers from England and Wales to Northern Ireland) is amended as follows.

(2) In sub-paragraph (2)(a)—

(a) for “264A” substitute “264B”,

(b) after “267B of” insert “, and Schedules 20A and 20B to,” and

(c) after “104” insert “and 106B”.

(3) In sub-paragraph (4)(a)—

(a) for “264A” substitute “264B”,

(b) after “267B of” insert “, and Schedules 20A and 20B to,” and
(c) after “104” insert “and 106B”.
(4) Omit sub-paragraph (8).
(5) At the end insert—

“(9) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—

(a) as if any reference to something listed in the first column of the Table in sub-paragraph (11) were a reference to whatever is opposite it in the second column of that Table, and

(b) with the other modifications in sub-paragraph (12).

(10) In this paragraph “the supervision provisions” means—

(a) sections 256AA to 256AC, 256D and 256E of the 2003 Act, and

(b) section 106B of the Powers of Criminal Courts (Sentencing) Act 2000.

(11) The references mentioned in sub-paragraph (9)(a) are—

<table>
<thead>
<tr>
<th>Reference</th>
<th>Substituted reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crown Court</td>
<td>County court</td>
</tr>
<tr>
<td>Justice of the peace</td>
<td>Lay magistrate</td>
</tr>
<tr>
<td>Information</td>
<td>Complaint</td>
</tr>
<tr>
<td>Local justice area</td>
<td>Petty sessions district</td>
</tr>
<tr>
<td>Magistrates’ court</td>
<td>Court of summary jurisdiction</td>
</tr>
<tr>
<td>Officer of a provider of probation services</td>
<td>Probation officer</td>
</tr>
<tr>
<td>Young offender institution</td>
<td>Young offender centre</td>
</tr>
</tbody>
</table>

(12) The other modifications mentioned in sub-paragraph (9)(b) are—

(a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to—

(i) a custody probation order or licence under Part 2 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160) (N.I. 24), and


(b) section 256AC of the 2003 Act has effect as if subsections (4)(c), (5) and (10) (provision for supervision default orders) were omitted, and
Offender Rehabilitation Bill [Lords], continued

(c) subsection (7)(b) of that section has effect as if for “the Secretary of State” there were substituted “the Department of Justice in Northern Ireland”.

A6 (1) Paragraph 15 (unrestricted transfers: general) is amended as follows.
(2) In sub-paragraph (4A), for “This paragraph has” substitute “Sub-paragraphs (3) and (4) have”.
(3) After sub-paragraph (4A) insert—

“(4B) A person who is subject to a period of supervision of a type or length which could not have been imposed on an offender in the place to which the person has been transferred is to be treated for the relevant purposes as the receiving authority may direct.

(4C) In sub-paragraph (4B), “the receiving authority” means—
(a) in relation to a person transferred to Scotland, the Scottish Ministers,
(b) in relation to a person transferred to Northern Ireland, the Department of Justice in Northern Ireland, and
(c) in relation to any other person, the Secretary of State.”.

A7 After paragraph 19 insert—

“Service of process issued in Scotland

19A (1) Section 4 of the Summary Jurisdiction (Process) Act 1881 (service in England and Wales of Scottish process etc) applies to any process issued by a court in Scotland under the supervision provisions.

(2) “The supervision provisions” means the provisions listed in paragraph 8(9), as they are applied by paragraph 8(2) or (4).

Electronic monitoring in Scotland

19B (1) Section 245C of the Criminal Procedure (Scotland) Act 1995 (remote monitoring), and regulations under that section, apply in relation to the electronic monitoring of compliance with a curfew requirement in a supervision default order imposed under the supervision provisions as they apply in relation to the remote monitoring of compliance with a restriction of liberty order.

(2) “The supervision provisions” means the provisions listed in paragraph 8(9), as they are applied by paragraph 8(2) or (4).”.

A8 In paragraph 20(1) (interpretation), for the definition of “supervision” substitute—

““supervision” means—
(a) supervision under an order made for the purpose,
(b) supervision under a detention and training order,
(c) in the case of a person released from prison on licence, supervision under a condition contained in the licence,
(d) supervision under section 256AA of the Criminal Justice Act 2003 (supervision after end of sentence), including supervision under that section as applied by section 106B of the Powers of Criminal Courts (Sentencing) Act 2000, or
Offender Rehabilitation Bill [Lords], continued

(e) supervision under section 256B of the Criminal Justice Act 2003 (supervision after release of certain young offenders serving less than 12 months).”.

Jeremy Wright

Agreed to

Schedule 3, page 29, line 20, leave out ‘264A(1)’ and insert ‘264B(1)’.

Jeremy Wright

Agreed to

Schedule 3, page 29, line 23, at end insert—

‘15A(1) Section 302 (execution of process between England and Wales and Scotland) is amended as follows.

(2) After “under—” insert—

“section 256AC(1) or (3),

section 256C(1) or (3),”.

(3) Omit the “or” before “paragraph 6(2) or (4)”.

(4) After “Schedule 12” insert “or

“paragraph 8(1) or 10(5) of Schedule 19A,”.’.

Schedule, as amended, agreed to.

[Adjourned until Tuesday 3 December at 8.55 am]