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STATUTORY INSTRUMENTS

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**2014 No. 1198**

**PROBATION, ENGLAND AND WALES**

The Offender Management Act 2007  
(Approved Premises) Regulations 2014

<i>Made</i>	- - - -	<i>6th May 2014</i>
<i>Laid before Parliament</i>		<i>9th May 2014</i>
<i>Coming into force</i>	- -	<i>1st June 2014</i>

The Secretary of State, in exercise of the powers conferred by section 13(2) and 36(2)(a) of the Offender Management Act 2007<sup>(1)</sup>, makes the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Offender Management Act 2007 (Approved Premises) Regulations 2014 and come into force on 1st June 2014.

**Revocation**

2. The Offender Management Act 2007 (Approved Premises) Regulations 2008<sup>(2)</sup> are revoked.

**Application**

3. These Regulations apply to approved premises which are provided in accordance with section 3(2) of the Offender Management Act 2007.

**Interpretation**

4. In these Regulations—

“bail” means bail in criminal proceedings within the meaning of the Bail Act 1976<sup>(3)</sup>;

“community sentence” has the meaning given to it by section 147 of the Criminal Justice Act 2003<sup>(4)</sup>;

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(1) 2007 c.21.

(2) S.I. 2008/1263.

(3) 1976 c.63.

(4) 2003 c. 44; section 147 was amended by sections 6(2) and 149 of, and paragraphs 71 and 72 of Part 1 of Schedule 4 to, the Criminal Justice and Immigration Act 2008 (c.4).

“licence” includes temporary release in accordance with rule 9 of the Prison Rules 1999<sup>(5)</sup>;  
“resident”, in relation to approved premises, means a person who lives in the approved premises otherwise than in the course of their employment and “reside” shall be construed accordingly;

“provider” means a provider of approved premises;

“statutory supervision” means supervision by virtue of section 256B of the Criminal Justice Act 2003<sup>(6)</sup>; and

“suspended sentence order” has the meaning given to it by section 189 of the Criminal Justice Act 2003<sup>(7)</sup>.

### **Residence conditions**

5. (1) A provider must not allow any person to become a resident of approved premises or where that person is a resident, allow them to continue to reside there, unless—

- (a) they are on bail;
- (b) they are serving a community sentence or are subject to a suspended sentence order;
- (c) they are on licence;
- (d) they are subject to statutory supervision;
- (e) the Secretary of State considers that residence at the approved premises is necessary for the protection of the public; or
- (f) 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 them to receive it.

(2) Except with the prior consent of the Secretary of State a provider must not allow the number of residents at any approved premises at any time to exceed such number as may be approved in respect of those premises by the Secretary of State.

(3) Except with the prior consent of the Secretary of State a provider must not allow any person to be present on approved premises if they are outside such age limits as may be approved by the Secretary of State in respect of the premises.

### **General duties**

6. Each provider must—

- (a) ensure that—
  - (i) the approved premises are maintained in a condition which is satisfactory having regard to their purpose;
  - (ii) the premises are run in a manner which promotes protection of the public and the reduction of re-offending; and
  - (iii) at least two members of staff are present on the premises at all times;
- (b) 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;

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(5) S.I. 1999/728.

(6) 2003 c. 44; section 256B was inserted by section 115 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10).

(7) 2003 c. 44; section 189 was amended by section 68 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and by SI 2005/643.

- (c) 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; and
  - (d) bring the house rules 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.
- (2) The provider is responsible for the appointment, training, discipline and dismissal of the staff of the approved premises.

### **Admissions**

7. (1) Each provider must adopt an admissions policy for the approved premises.
- (2) The admissions policy must comply with—
- (a) regulation 5(1); and
  - (b) any requirements of the Secretary of State as to the admissions policies of approved premises.
- (3) The provider must notify the courts for the local justice area in which the approved premises are situated of the terms of the admissions policy for the approved premises.

### **Residents subject to a residence requirement**

8. (1) Where a person is subject to a requirement (in this regulation referred to as a “residence requirement”) to reside at approved premises by virtue of—
- (a) a requirement of a court order;
  - (b) any condition of a licence; or
  - (c) any requirement imposed under statutory supervision,
- the provider must not, except in circumstances described in paragraph (2), require that person to end their residence before the expiry of the residence requirement.
- (2) The circumstances referred to in paragraph (1) above are that—
- (a) an emergency has arisen; or
  - (b) 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) or (c) applies, to the Secretary of State.
- (3) Where a provider intends to require a resident who is subject to a residence requirement to end their residence at the approved premises, it must give reasonable notice of that intention—
- (a) in the case of a resident who is on bail, to the court which granted bail;
  - (b) in the case of a resident who is serving a community sentence or is subject to a suspended sentence order, to the person responsible for supervising that sentence;
  - (c) in the case of a resident who is on licence, to the person responsible for supervising that licence;
  - (d) in the case of a resident who is subject to statutory supervision, to the person providing the supervision.

### **Absconding**

9. A person in charge of the premises who believes that a resident may have absconded must immediately notify—

- (a) 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 and the police;
- (b) in the case of a resident required by or under any provision of a community sentence or suspended sentence order to reside at the approved premises, the person responsible for supervising that sentence;
- (c) in the case of a resident required by virtue of any condition of a licence to reside at the approved premises, the person responsible for supervising that licence;
- (d) in the case of a resident required by virtue of any requirement to reside at approved premises imposed as part of statutory supervision, the person providing the supervision.

### **Expenses**

10. The Secretary of State may determine the maximum sum that each provider may charge residents in respect of the expenses of the resident's maintenance.

### **Medical care and advice**

11. (1) Each provider must ensure that facilities are available for the provision to residents of any necessary medical and dental treatment.

(2) A provider may appoint a health care professional to assist in discharging the functions under paragraph (1).

### **Records and returns**

12. Each provider 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 the Secretary of State from time to time.

### **Inspection**

13. Each provider must arrange for approved premises 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.

### **Management committees**

14. Approved premises must be managed by a committee (referred to in regulation 15 and 16 as a "management committee").

### **Management committees: constitution**

15. (1) Each management committee must prepare a written constitution, which shall not become effective until it has been agreed by the Secretary of State.

(2) The constitution must contain information on—

- (a) the membership of the committee;
- (b) the duration of appointments to the management committee;
- (c) the frequency of the management committee meetings; and
- (d) the quorum of the management committee.

**Management committees; meetings and reports**

16. (1) Each management committee must notify the Secretary of State of the dates and times of its meetings and must permit—

- (a) a person appointed by or on behalf of a provider of probation services;
- (b) 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—

- (a) 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; and
- (b) publish an annual report containing the names of its members and such other information as the Secretary of State may require.

Signed by authority of the Secretary of State

6th May 2014

*Jeremy Wright*  
Parliamentary Under Secretary of State  
Ministry of Justice

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## 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 13 of the Offender Management Act 2007 (c. 21). These Regulations apply to approved premises which are not managed by the Secretary of State. The substantive issues in the Regulations are set out below.

Regulation 5 stipulates the conditions for residence at approved premises.

Regulations 6 to 13 set out the general duties in respect of approved premises and requirements as to an admissions policy. They also set out the steps which must be taken in a case where a resident is asked to leave, or absconds from, the approved premises and contains requirements about financial control, medical care and the keeping and inspection of records.

Regulations 14 to 16 require that approved premises are managed by a management committee. They make provisions for the constitution of such management committees and set out requirements as to attendance at meetings and the preparation of minutes and reports.