

2016 No. 286 (C. 16)

CRIMINAL LAW, ENGLAND AND WALES

**The Legal Aid, Sentencing and Punishment of Offenders Act
2012 (Alcohol Abstinence and Monitoring Requirements)
Piloting Order 2016**

Made - - - -

7th March 2016

The Secretary of State makes the following Order in exercise of the powers conferred by section 77(1), (4) and (8) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation and interpretation

1.—(1) This Order may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Alcohol Abstinence and Monitoring Requirements) Piloting Order 2016.

(2) In this Order—

- (a) “the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012; and
- (b) “alcohol abstinence and monitoring requirement” has the same meaning as in Part 12 of the Criminal Justice Act 2003(b).

Coming into force of section 76 of the Act

2. Subject to articles 3 and 4(1), section 76 of the Act (alcohol abstinence and monitoring requirement) comes into force on 1st April 2016 for all purposes other than application by the Armed Forces Act 2006(c).

Areas in relation to which section 76 of the Act is in force

3. Section 76 of the Act comes into force only in relation to the following local justice areas(d)—

- (a) Central London;
- (b) East London;
- (c) North East London;
- (d) North London;
- (e) North West London;

(a) 2012 c. 10.

(b) 2003 c. 44. Section 212A, the material provision in Part 12, was inserted by section 76 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

(c) 2006 c. 52.

(d) England and Wales is divided into areas known as local justice areas as required by section 8 of the Courts Act 2003 (c. 39). These were established by the Local Justice Areas Order 2005 (S.I. 2005/554). The Local Justice Areas Order 2011 (S.I. 2011/1168) created the new local justice areas from 1st January 2012 (see Table 1 of article 3).

- (f) South London;
- (g) South East London;
- (h) South West London; and
- (i) West London.

Period for which section 76 of the Act is in force

4.—(1) Subject to paragraph (2), section 76 of the Act, in so far as it is brought into force by article 2, ceases to have effect at the end of 31st March 2017.

(2) Paragraph (1) does not affect the continued application after that date of an alcohol abstinence and monitoring requirement imposed by a court during the period mentioned in that paragraph.

7th March 2016

Dominic Raab
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 76 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), commencing on 1st April 2016 until the end of 31st March 2017, in the nine local justice areas specified in article 3. Among other things, section 76 inserts section 212A of the Criminal Justice Act 2003 (c. 44), which gives a court a power to impose an alcohol abstinence and monitoring requirement as part of a community order or suspended sentence order. Article 4(2) provides that any requirement imposed before section 76 ceases to be in force may continue to have effect after that time.

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.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 18	1st April 2013	2013/453
Section 19 (except subsection (4))	1st April 2013	2013/453
Sections 20 to 37	1st April 2013	2013/453
Section 38 (except subsection (2))	1st April 2013	2013/453
Section 38(2)	4th March 2013	2013/453
Sections 39 to 43	1st April 2013	2013/453
Section 44 (for the purpose of making orders, regulations or rules of court)	19th January 2013	2013/77
Section 44 (in so far as not already in force)	1st April 2013	2013/77
Section 45(1) and (8)	1st October 2012	2012/2412

Section 45 (in so far as not already in force for the purpose of making orders, regulations or rules of court)	19th January 2013	2013/77
Section 46 (in so far as not already in force)	1st April 2013	2013/77
Section 47	1st April 2013	2013/77
Section 48	19th January 2013	2013/77
Sections 49 to 54	1st April 2013	2013/773
Section 55	1st October 2012	2012/2412
Sections 56 and 57	1st April 2013	2013/453
Section 58	4th March 2013	2013/453
Section 59	1st April 2013	2013/453
Section 60	4th March 2013	2013/453
Sections 61 and 62	1st October 2012	2012/2412
Sections 63 to 66	3rd December 2012	2012/2906
Section 67 (except subsections (2)(a) and (5)(a))	3rd December 2012	2012/2906
Sections 68 to 75	3rd December 2012	2012/2906
Section 76 (for a period of 12 months extended by a further 6 months by S.I. 2015/1480 and extended further until 31st March 2016 by S.I. 2016/1)	31st July 2014	2014/1777
Section 78 (except subsection (3))	3rd December 2012	2012/2906
Sections 79 to 84	3rd December 2012	2012/2906
Section 85 (except subsections (1), (2), (4) and (14))	28th May 2014	2014/1291
Sections 85(1), (2) and (4)	12th March 2015	2015/504
Sections 86 and 87	28th May 2014	2014/1291
Section 88	8th April 2013	2013/453
Section 89 to 118	3rd December 2012	2012/2906
Sections 120 to 128	3rd December 2012	2012/2906
Sections 130 and 131	3rd December 2012	2012/2906
Sections 132 to 138	8th April 2013	2013/453
Section 139	10th March 2014	2014/423
Section 140	1st October 2012	2012/2412
Section 141(7) to (9) and (12)	1st October 2012	2012/2412
Section 141 (so far as not previously in force)	10th March 2014	2014/423
Sections 142 and 143	3rd December 2012	2012/2770
Section 144	1st September 2012	2012/1956
Sections 145 to 147	3rd December 2012	2012/2770
Section 148	14th May 2013	2013/1127
Schedules 1 to 3	1st April 2013	2013/453
Schedule 4	4th March 2013	2013/453
Schedules 5 and 6	1st April 2013	2013/453
Schedules 7 and 8	1st October 2012	2012/2412
Schedules 9 to 22	3rd December 2012	2012/2906
Schedules 23 and 24	8th April 2013	2013/453
Schedule 25 (except paragraph 4)	10th March 2014	2014/423
Schedules 26 and 27	3rd December 2012	2012/2770

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