



Criminal Justice Act 1972

1972 CHAPTER 71

PART I

POWERS FOR DEALING WITH OFFENDERS

Community service orders

15 Community service orders in respect of convicted persons

- (1) Where a person who has attained the age of seventeen is convicted of an offence punishable with imprisonment, the court by or before which he is convicted may, instead of dealing with him in any other way (but subject to subsection (2) of this section), make an order (in this Act referred to as "a community service order") requiring him to perform unpaid work in accordance with the subsequent provisions of this Act for such number of hours (being in the aggregate not less than forty nor more than two hundred and forty) as may be specified in the order.
- (2) A court shall not make a community service order in respect of any offender unless the offender consents and the court—
 - (a) has been notified by the Secretary of State that arrangements exist for persons who reside in the petty sessions area in which the offender resides or will reside to perform work under such orders ; and
 - (b) is satisfied—
 - (i) after considering a report by a probation officer about the offender and his circumstances and, if the court thinks it necessary, hearing a probation officer, that the offender is a suitable person to perform work under such an order ; and
 - (ii) that provision can be made under the arrangements for him to do so.
- (3) Where a court makes community service orders in respect of two or more offences of which the offender has been convicted by or before the court, the court may direct that the hours of work specified in any of those orders shall be concurrent with or additional to those specified in any other of those orders, but so that the total number

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- of hours which are not concurrent shall not exceed the maximum in subsection (1) of this section.
- (4) A community service order shall specify the petty sessions area in which the offender resides or will reside; and the functions conferred by the subsequent provisions of this Act on the relevant officer shall be discharged by a probation officer appointed for or assigned to that area, or by a person appointed for the purposes of those provisions by the probation and after-care committee for that area.
- (5) The court by which a community service order is made shall forthwith give copies of the order to a probation officer assigned to the court and he shall give a copy to the offender and to the relevant officer; and the court shall, except where it is itself a magistrates' court acting for the petty sessions area specified in the order, send to the clerk to the justices for the petty sessions area specified in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to that court in exercising its functions in relation to the order.
- (6) The Secretary of State may by order direct that subsection (1) of this section shall be amended by substituting, for the maximum number of hours specified in that subsection as originally enacted or as previously amended under this subsection, such number of hours as may be specified in the order; but no such order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- (7) The power to make orders under subsection (6) of this section shall be exercisable by statutory instrument and includes power to revoke a previous order under that subsection.
- (8) Nothing in subsection (1) of this section shall be construed as preventing a court which makes a community service order in respect of any offence from making an order for costs against, or imposing any disqualification on, the offender or from making in respect of the offence an order under the foregoing provisions of this Act, under section 23 or 24 thereof, or under section 28 of the Theft Act 1968.
- (9) Before making a community service order the court shall in ordinary language explain to the offender—
- (a) the purpose and effect of the order (and in particular the requirements of the order as specified in section 16 of this Act);
 - (b) the consequences which may follow under section 17 if he fails to comply with any of those requirements ; and
 - (c) that the court has under section 18 the power to review the order on the application either of the offender or of a probation officer.

16 Obligations of person subject to community service order

- (1) An offender in respect of whom a community service order is in force shall—
- (a) report to the relevant officer and subsequently from time to time notify him of any change of address; and
 - (b) perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.
- (2) Subject to section 18 of this Act, the work required to be performed under a community service order shall be performed during the period of twelve months beginning with the date of the order.

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- (3) The instructions given by a relevant officer under this section shall, so far as practicable, be such as to avoid any conflict with the offender's religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.

17 Breach of requirements of community service order

- (1) If at any time while a community service order is in force in respect of an offender it appears on information to a justice of the peace acting for the petty sessions area specified in the order that the offender has failed to comply with any of the requirements of section 16 of this Act (including any failure satisfactorily to perform the work which he has been instructed to do), the justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.
- (2) Any summons or warrant issued under this section shall direct the offender to appear or be brought before a magistrates' court acting for the petty sessions area specified in the community service order.
- (3) If it is proved to the satisfaction of the court before which an offender appears or is brought under this section that he has failed without reasonable excuse to comply with any of the requirements aforesaid, the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding £50 or may—
- (a) if the community service order was made by a magistrates' court, revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made;
 - (b) if the order was made by the Crown Court, commit him to custody or release him on bail until he can be brought or appear before the Crown Court.
- (4) Where a magistrates' court deals with the case as provided in subsection (3)(b) of this section—
- (a) the court shall send to the Crown Court a certificate signed by a justice of the peace certifying that the offender has failed to comply with the requirements aforesaid in the respect specified in the certificate, together with such other particulars of the case as may be desirable, and a certificate purporting to be so signed shall be admissible before the Crown Court as evidence of the failure ; and
 - (b) where the offender is brought or appears before the Crown Court and it is proved to the satisfaction of the court that he has failed to comply with any of the requirements aforesaid, that court may either—
 - (i) without prejudice to the continuance of the order, impose on him a fine not exceeding £50; or
 - (ii) revoke the order and deal with him, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (5) A person sentenced under subsection (3)(a) of this section for an offence may appeal to the Crown Court against the sentence.

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- (6) In proceedings before the Crown Court under this section any question whether the offender has failed to comply with the requirements aforesaid shall be determined by the court and not by the verdict of a jury.
- (7) A fine imposed under this section shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.

18 Amendment and revocation of community service orders

- (1) Where a community service order is in force in respect of any offender and, on the application of the offender or the relevant officer, it appears to a magistrates' court acting for the petty sessions area specified in the order that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made, the court may—
 - (a) extend, in relation to the order, the period of twelve months specified in section 16(2) of this Act; or
 - (b) if the order was made by a magistrates' court, revoke the order or revoke it and deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (2) Where a community service order made by the Crown Court is in force in respect of any offender and, on the application of the offender or the relevant officer, it appears to a magistrates' court acting for the petty sessions area specified in the order that, having regard to circumstances which have arisen since the order was made, it is in the interests of justice that the order should be revoked or that the offender should be dealt with in some other manner for the offence in respect of which the order was made, the court may commit him to custody or release him on bail until he can be brought or appear before the Crown Court.
- (3) Where a magistrates' court deals with the case as provided in subsection (2) of this section—
 - (a) the court shall send to the Crown Court such particulars of the case as may be desirable ; and
 - (b) where the offender is brought or appears before the Crown Court and it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Crown Court may revoke the order or revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (4) A person sentenced under subsection (1)(b) of this section for an offence may appeal to the Crown Court against the sentence.
- (5) If a magistrates' court acting for the petty sessions area specified in a community service order is satisfied that the offender proposes to change, or has changed, his residence from that petty sessions area to another petty sessions area and—
 - (a) the court has been notified that arrangements exist for persons who reside in that other area to perform work under community service orders ; and
 - (b) it appears to the court that provision can be made under the arrangements for him to perform work under the order,

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the court may, and if application in that behalf is made by the relevant officer shall, amend the order by substituting the other petty sessions area for the area specified therein, and references in this Act to the area specified in a community service order shall be construed accordingly.

- (6) Where a community service order is amended by a court under subsection (5) of this section the court shall send to the clerk to the justices for the area which is specified in the order in consequence of the amendment a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in exercising its functions in relation to the order.
- (7) Where a magistrates' court proposes to exercise its powers under subsection (1) or (2) of this section otherwise than on the application of the offender it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

19 Community service rules

- (1) The Secretary of State may make rules for regulating the performance of work under community service orders and the arrangements made under the subsequent provisions of this Act for persons to perform such work.
- (2) Without prejudice to the generality of subsection (1) of this section, rules under this section may in particular—
 - (a) limit the number of hours' work to be done by a person under such an order on any one day ;
 - (b) make provision as to the reckoning of time worked under such orders;
 - (c) make provision for the payment of travelling and other expenses in connection with the performance of work under such orders;
 - (d) provide for records to be kept of the work done by any person under such an order.
- (3) The power to make rules under this section shall be exercisable by statutory instrument, and any statutory instrument containing such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.