



Criminal Justice Act 1972

1972 CHAPTER 71

PART III

MISCELLANEOUS PROVISIONS

- 49 Community service order in lieu of warrant of commitment for failure to pay fine etc.**
- (1) In any case in which a magistrates' court has power under Part III of the Magistrates' Courts Act 1952 to issue a warrant of commitment for default in paying a sum adjudged to be paid by a conviction of a magistrates' court, the court may, subject to subsection (2) of this section, make a community service order in respect of the person in default instead of issuing a warrant of commitment.
 - (2) Sections 15(2) of this Act and, so far as applicable, the other provisions of this Act relating to community service orders shall have effect in relation to an order under this section as they have effect in relation to an order in respect of an offender except that—
 - (a) so much of subsection (3) of section 17 as enables a court to impose a fine not exceeding £50 for a failure to comply with any such requirement as is there mentioned shall not apply ; and
 - (b) the power conferred by paragraph (a) of that subsection and by section 18(1)(b) of this Act to deal with an offender for the offence in respect of which the order was made shall be construed as a power to deal with the person in respect of whom the order was made for his default in paying the sum in question.
 - (3) Where a community service order has been made under this section for default in paying any sum—
 - (a) on payment of the whole sum to any person authorised to receive it, the order shall cease to have effect;
 - (b) on payment of a part of the said sum as aforesaid, the total number of hours for which the person in respect of whom the order was made is required to work under the order shall be reduced proportionately, that is to say by such number of complete hours as bears to the said total number the proportion

Status: This is the original version (as it was originally enacted).

most nearly approximating to, without exceeding, the proportion which the part paid bears to the said sum.

- (4) Section 47(3) of the Criminal Justice Act 1967 (under which a fine imposed by the Crown Court is treated for the purpose of enforcement as having been imposed on conviction by a magistrates' court) shall not apply for the purposes of this section.