



Powers of Criminal Courts Act 1973

1973 CHAPTER 62

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Community service orders

14 Community service orders in respect of convicted persons

- (1) Where a person of or over seventeen years of age 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) below) 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.

The reference in this subsection to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of young offenders.

- (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.

Status: This is the original version (as it was originally enacted).

- (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 of hours which are not concurrent shall not exceed the maximum in subsection (1) above.
- (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 the area for the time being specified in the order (whether under this subsection or by virtue of section 17(5) of this Act), or by a person appointed for the purposes of those provisions by the probation and after-care committee for that area.
- (5) Before making a community service order the court shall explain to the offender in ordinary language—
 - (a) the purpose and effect of the order (and in particular the requirements of the order as specified in section 15 of this Act);
 - (b) the consequences which may follow under section 16 if he fails to comply with any of those requirements ; and
 - (c) that the court has under section 17 the power to review the order on the application either of the offender or of a probation officer.
- (6) 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 a court acting for that area in exercising its functions in relation to the order.
- (7) The Secretary of State may by order direct that subsection (1) above 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.
- (8) Nothing in subsection (1) above 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 section 35, 39, 43 or 44 of this Act, or under section 28 of the Theft Act 1968.

15 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 17(1) 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.

- (3) The instructions given by the 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.

16 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 for the time being specified in the order that the offender has failed to comply with any of the requirements of section 15 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 for the time being specified in the community service order.
- (3) If it is proved to the satisfaction of the magistrates' 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 of section 15 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) A magistrates' court which deals with an offender's case under subsection (3)(b) above 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 of section 15 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 as evidence of the failure before the Crown Court.
- (5) Where by virtue of subsection (3)(b) above 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 of section 15, that court may either—
- (a) without prejudice to the continuance of the order, impose on him a fine not exceeding £50; or
 - (b) 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.
- (6) A person sentenced under subsection (3)(a) above for an offence may appeal to the Crown Court against the sentence.
- (7) In proceedings before the Crown Court under this section any question whether the offender has failed to comply with the requirements of section 15 shall be determined by the court and not by the verdict of a jury.

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

- (8) 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.

17 Amendment and revocation of community service orders, and substitution of other sentences

- (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 for the time being 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 extend, in relation to the order, the period of twelve months specified in section 15(2) of this Act.
- (2) Where such an order is in force and on any such application it appears to a magistrates' court acting for the petty sessions area so specified that, having regard to such circumstances, it would be 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—
- (a) if the order was made by a magistrates' court, revoke the order or revoke it and deal with the offender for that offence 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;
- and where the court deals with his case under paragraph (b) above it shall send to the Crown Court such particulars of the case as may be desirable.
- (3) Where by virtue of subsection (2)(b) above 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 (2)(a) above for an offence may appeal to the Crown Court against the sentence.
- (5) If a magistrates' court acting for the petty sessions area for the time being 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;
- the court may, and on the application of the relevant officer shall, amend the order by substituting the other petty sessions area for the area specified in the order.
- (6) Where a community service order is amended by a court under subsection (5) above the court shall send to the clerk to the justices for the new 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 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) above 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.