



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART IV

COMMUNITY ORDERS AND REPARATION ORDERS

CHAPTER III

COMMUNITY ORDERS AVAILABLE ONLY WHERE OFFENDER AGED 16 OR OVER

Orders for persistent petty offenders

59 Curfew orders and community service orders for persistent petty offenders

- (1) This section applies where—
 - (a) a person aged 16 or over is convicted of an offence;
 - (b) the court by or before which he is convicted is satisfied that each of the conditions mentioned in subsection (2) below is fulfilled; and
 - (c) if it were not so satisfied, the court would be minded to impose a fine in respect of the offence.
- (2) The conditions are that—
 - (a) one or more fines imposed on the offender in respect of one or more previous offences have not been paid; and
 - (b) if a fine were imposed in an amount which was commensurate with the seriousness of the offence, the offender would not have sufficient means to pay it.
- (3) The court may—
 - (a) subject to subsections (5) and (7) below, make a curfew order under section 37(1) above, or

Status: This is the original version (as it was originally enacted).

- (b) subject to subsections (6) and (7) below, make a community service order under section 46(1) above,
in respect of the offender instead of imposing a fine.
- (4) Subsection (3) above applies notwithstanding anything in subsections (1) and (3)(b) of section 35 above (restrictions on imposing community sentences).
- (5) Section 37(1) above (curfew orders) shall apply for the purposes of subsection (3)(a) above as if for the words from the beginning to “make” there were substituted “Where section 59 below applies, the court may make in respect of the offender”; and—
 - (a) section 37(3), (5) to (8) and (10) to (12), and
 - (b) so far as applicable, the other provisions of this Part relating to curfew orders, have effect in relation to a curfew order made by virtue of this section as they have effect in relation to any other curfew order.
- (6) Section 46(1) above (community service orders) shall apply for the purposes of subsection (3)(b) above as if for the words from the beginning to “make” there were substituted “Where section 59 below applies, the court may make in respect of the offender”; and—
 - (a) section 46(3) and (4), and
 - (b) so far as applicable, the following provisions of section 46 and the other provisions of this Part relating to community service orders,
have effect in relation to a community service order made by virtue of this section as they have effect in relation to any other community service order.
- (7) A court shall not make an order by virtue of subsection (3)(a) or (b) above unless the court has been notified by the Secretary of State that arrangements for implementing orders so made are available in the relevant area and the notice has not been withdrawn.
- (8) In subsection (7) above “the relevant area” means—
 - (a) in relation to a curfew order, the area in which the place proposed to be specified in the order is situated;
 - (b) in relation to a community service order, the area proposed to be specified in the order.