Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART IV

COMMUNITY ORDERS AND REPARATION ORDERS

CHAPTER VI

REPARATION ORDERS FOR YOUNG OFFENDERS

73 Reparation orders

(1) Where a child or young person (that is to say, any person aged under 18) is convicted of an offence other than one for which the sentence is fixed by law, the court by or before which he is convicted may make an order requiring him to make reparation specified in the order—

(a) to a person or persons so specified; or

(b) to the community at large;

and any person so specified must be a person identified by the court as a victim of the offence or a person otherwise affected by it.

(2) An order under subsection (1) above is in this Act referred to as a "reparation order".

(3) In this section and section 74 below "make reparation", in relation to an offender, means make reparation for the offence otherwise than by the payment of compensation; and the requirements that may be specified in a reparation order are subject to section 74(1) to (3).

(4) The court shall not make a reparation order in respect of the offender if it proposes—

(a) to pass on him a custodial sentence; or

(b) to make in respect of him a community service order, a combination order, a supervision order which includes requirements authorised by Schedule 6 to this Act, an action plan order or a referral order.

(5) Before making a reparation order, a court shall obtain and consider a written report by a probation officer, a social worker of a local authority social services department or a member of a youth offending team indicating—

(a) the type of work that is suitable for the offender; and

(b) the attitude of the victim or victims to the requirements proposed to be included in the order.

(6) The court shall not make a reparation order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area proposed to be named in the order under section 74(4) below and the notice has not been withdrawn.

(7) Before making a reparation order, the court shall explain to the offender in ordinary language—

(a) the effect of the order and of the requirements proposed to be included in it;

(b) the consequences which may follow (under Schedule 8 to this Act) if he fails to comply with any of those requirements; and

(c) that the court has power (under that Schedule) to review the order on the application either of the offender or of the responsible officer;

and "responsible officer" here has the meaning given by section 74(5) below.

(8) The court shall give reasons if it does not make a reparation order in a case where it has power to do so.

74 Requirements and provisions of reparation order, and obligations of person subject to it

(1) A reparation order shall not require the offender—

(a) to work for more than 24 hours in aggregate; or

(b) to make reparation to any person without the consent of that person.

(2) Subject to subsection (1) above, requirements specified in a reparation order shall be such as in the opinion of the court are commensurate with the seriousness of the offence, or the combination of the offence and one or more offences associated with it.

(3) Requirements so specified shall, as far as practicable, be such as to avoid—

(a) any conflict with the offender's religious beliefs or with the requirements of any community order to which he may be subject; and

(b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.

(4) A reparation order shall name the petty sessions area in which it appears to the court making the order (or to the court amending under Schedule 8 to this Act any provision included in the order in pursuance of this subsection) that the offender resides or will reside.

(5) In this Act "responsible officer", in relation to an offender subject to a reparation order, means one of the following who is specified in the order, namely—

(a) a probation officer;

(b) a social worker of a local authority social services department;

(c) a member of a youth offending team.

(6) Where a reparation order specifies a probation officer under subsection (5) above, the officer specified must be an officer appointed for or assigned to the petty sessions area named in the order.

(7) Where a reparation order specifies under that subsection—

(a) a social worker of a local authority social services department, or

(b) a member of a youth offending team,

the social worker or member specified must be a social worker of, or a member of a youth offending team established by, the local authority within whose area it appears to the court that the offender resides or will reside.

(8) Any reparation required by a reparation order—

(a) shall be made under the supervision of the responsible officer; and

(b) shall be made within a period of three months from the date of the making of the order.

75 Breach, revocation and amendment of reparation orders

Schedule 8 to this Act (which makes provision for dealing with failures to comply with action plan orders and reparation orders and for revoking and amending such orders) shall have effect so far as relating to reparation orders.