

COMMUNITY JUSTICE (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Meaning of community justice

6. [Section 1](#) provides a definition of “community justice” for the purposes of the Act. It provides that community justice is concerned with the following activities:
 - Giving effect to bail conditions, community disposals and post-release control requirements,
 - Managing and supporting persons falling within subsection (3), (6) or (7) with a view to them not offending in future or, if that is not realistic, reducing future offending by them,
 - Arranging general services in ways which facilitate persons falling within subsection (3), (6) or (7) accessing and using them,
 - Preparing persons who have been convicted of offences and sentenced to imprisonment or detention in penal institutions for release and facilitating the provision of relevant general services as they are likely to need immediately following their release.
7. [Section 1\(2\)](#) clarifies what is meant by “supporting” and then goes on to set out the persons that fall within the definition of community justice, particularly subsections (3), (6) and (7). The persons that fall within subsection (3) are persons who have, anywhere in the world, been convicted of an offence, made the subject of a relevant finding (defined in section 2(2)(b)), given an alternative to prosecution or arrested on suspicion of having committed an offence. Persons who are the subject of a recognised EU supervision measure fall within subsection (6). Persons who are 16 or 17 years old and subject to a compulsory supervision order made by virtue of the ground in section 67(2)(j) of the Children’s Hearing (Scotland) Act 2011 (having committed an offence) fall within subsection (7).