

Status: Point in time view as at 04/04/2005.

Changes to legislation: Criminal Justice Act 1982, Cross Heading: Community service orders relating to persons residing in England and Wales or Scotland—General is up to date with all changes known to be in force on or before 01 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 13

COMMUNITY SERVICE ORDERS—RECIPROCAL ARRANGEMENTS

PART III

RECIPROCAL ARRANGEMENTS (NORTHERN IRELAND)— PERSONS RESIDING IN ENGLAND AND WALES OR SCOTLAND

Community service orders relating to persons residing in England and Wales or Scotland—General

- 9 (1) Where a community service order is made or amended in the circumstances specified in paragraph 7 or 8 above, the court which makes or amends the order shall send three copies of the order as made or amended to the home court, together with such documents and information relating to the case as it considers likely to be of assistance to that court.
- (2) In this paragraph—
“home court” means—
- (a) if the offender resides in England or Wales, or will be residing in England or Wales at the relevant time, the magistrates’ court [^{F1}acting in the local justice area] in which he resides or proposes to reside; and
- (b) if he resides in Scotland, or will be residing in Scotland at the relevant time, the sheriff court having jurisdiction in the locality in which he resides or proposes to reside;
“the relevant time” means the time when the order or the amendment to it comes into force.
- [^{F2}(3) Subject to the following provisions of this paragraph—
- (a) a community service order made or amended in the circumstances specified in paragraph 7 above shall be treated as if it were a community order made in England and Wales under section 177 of the Criminal Justice Act 2003 and the provisions of Part 12 of that Act (so far as relating to such orders) shall apply accordingly; and
- (b) a community service order made or amended in the circumstances specified in paragraph 8 above shall be treated as if it were a community service order made in Scotland and the legislation relating to community service orders in Scotland shall apply accordingly.]
- (4) Before making or amending a community service order in the circumstances specified in paragraph 7 or 8 above the court shall explain to the offender in ordinary language—

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- (a) the requirements of the legislation relating to community service orders [^{F3}or, as the case may be, community orders (within the meaning of Part 12 of the Criminal Justice Act 2003)] which has effect in the part of the United Kingdom in which he resides or will be residing at the relevant time;
- (b) the powers of the home court under that legislation, as modified by this Part of this Schedule; and
- (c) its own powers under this Part of this Schedule,
- and an explanation given in accordance with this sub-paragraph shall be sufficient without the addition of an explanation under [^{F4}Article 13(7) of the Criminal Justice (Northern Ireland) Order 1996].
- (5) The home court may exercise in relation to the community service order any power which it could exercise in relation to a community service order [^{F5}or, as the case may be, a community order (within the meaning of Part 12 of the Criminal Justice Act 2003)] made by a court in the part of the United Kingdom in which the home court exercises jurisdiction, by virtue of the legislation relating to such orders which has effect in the part of the United Kingdom in which it has jurisdiction except—
- (a) a power to vary the order by substituting for the number of hours' work specified in it any greater number than the court which made the order could have specified;
- (b) a power to revoke the order; and
- (c) a power to revoke the order and deal with the offender for the offence in respect of which it 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) If at any time whilst legislation relating to community service orders [^{F6}or, as the case may be, community orders (within the meaning of Part 12 of the Criminal Justice Act 2003)] which has effect in one part of the United Kingdom applies by virtue of sub-paragraph (3) above to a community service order made in another part—
- (a) it appears to the home court—
- (i) if that court is in England or Wales, on information to a justice of the peace [^{F7}acting in the local justice area] for the time being specified in the order;
- (ii) if it is in Scotland, on evidence on oath from the local authority officer under the ^{M1}Community Service by Offenders (Scotland) Act 1978,
- that the offender has failed to comply with any of the requirements of the legislation applicable to the order; or
- (b) it appears to the home court on the application of the offender or—
- (i) if it is in England and Wales, of the [^{F8}responsible officer under [^{F9}Part 12 of the Criminal Justice Act 2003]]; and
- (ii) if it is in Scotland, of the local authority officer,
- that it would be in the interests of justice to exercise a power mentioned in sub-paragraph (5)(b) or (c) above,
- the home court may require the offender to appear before the court by which the order was made.
- (7) Where an offender is required to appear before a court by virtue of sub-paragraph (6) above, that court—

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- (a) may issue a warrant for his arrest; and
 - (b) may exercise any power which it could exercise in respect of the community service order if the offender resided in the part of the United Kingdom where the court has jurisdiction,
- and any enactment relating to the exercise of such powers shall have effect accordingly.

Textual Amendments

- F1** Words in Sch. 13 para. 9(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 1, [Sch. para. 42\(b\)](#)
- F2** Sch. 13 para. 9(3) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 36\(3\)](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(17\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))
- F3** Words in Sch. 13 para. 9(4)(a) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 36\(4\)](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(17\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))
- F4** Words in Sch. 13 para. 9(4) substituted (1.1.1998) for the words “Article 7(7) of the Treatment of Offenders (Northern Ireland) Order” by virtue of [S.I. 1996/3160 \(N.I. 24\)](#), art. 58(1), [Sch. 5 para. 12\(c\)](#); [S.R. 1997/523](#), art. 2(i)
- F5** Words in Sch. 13 para. 9(5) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 36\(5\)](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(17\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))
- F6** Words in Sch. 13 para. 9(6) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 36\(6\)\(a\)](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(17\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))
- F7** Words in Sch. 13 para. 9(6)(a) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 1, [Sch. para. 42\(b\)](#)
- F8** Words in Sch. 13 para. 9(6)(b) substituted (25.8.2000) by [2000 c. 6](#), ss. 165(1), 168(1), [Sch. 9 para. 89\(3\)](#)
- F9** Words in Sch. 13 para. 9(6)(b)(i) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 36\(6\)\(b\)](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(17\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

Marginal Citations

- M1** [1978 c. 49](#).

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