

Status: Point in time view as at 01/04/2005.

Changes to legislation: Criminal Justice Act 1982, Paragraph 7 is up to date with all changes known to be in force on or before 08 August 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

Making an amendment of community service orders relating to persons residing in England and Wales

- 7 (1) Where a court in Northern Ireland considering the making of a community service order is satisfied that the offender resides, or will be residing when the order comes into force, in England or Wales, [^{F1}Part II of the Criminal Justice (Northern Ireland) Order 1996 shall have effect as if the following were substituted for Article 13(4)—
- “(4) A court shall not make a community service order in respect of any offender unless the offender consents and—
- (a) the court is satisfied after hearing (if the court thinks it necessary) a probation officer, that the offender is a suitable person to perform work under such an order; and
 - (b) it appears to the court that provision for the offender to perform work under such an order can be made under the arrangements for persons to perform work under such orders which exist in the [^{F2}local justice area] in England and Wales in which he resides or will reside.”]

(2) Where a community service order has been made by a court in Northern Ireland and—

 - (a) a court of summary jurisdiction acting for a petty sessions district in Northern Ireland for the time being specified in it is satisfied that the offender proposes to reside or is residing in England or Wales;
 - (b) it appears to that court that provision can be made for him to perform work under the community service order under the arrangements for persons to perform work under such orders which exist in the [^{F3}local justice area] in England or Wales in which he resides or will reside,

it may amend the order by specifying that the unpaid work required to be performed by the order be so performed.

(3) A community service order made or amended in accordance with this paragraph shall—

 - (a) specify the [^{F4}local justice area] in England or Wales in which the offender resides or will be residing when the order or the amendment comes into force; and

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- (b) require the [^{F5}local probation board for that area (established under section 4 of the Criminal Justice and Court Services Act 2000) to appoint or assign an officer of the board] who will discharge in respect of the order the functions in respect of community service orders conferred on [^{F6}responsible officers by the ^{M1}Powers of Criminal Courts (Sentencing) Act 2000].

Textual Amendments

- F1** Words in Sch. 13 para. 7(1) substituted (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1), **Sch. 5 para. 12(a)**; S.R. 1997/523, **art. 2(i)**
- F2** Words in Sch. 13 para. 7(1) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 42(a)**
- F3** Words in Sch. 13 para. 7(2)(b) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 42(a)**
- F4** Words in Sch. 13 para. 7(3)(a) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 42(a)**
- F5** Words in Sch. 13 para. 7(3)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 para. 71**; S.I. 2001/919, **art. 2(f)(ii)**
- F6** Words in Sch. 13 para. 7(3) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 89(2)**

Marginal Citations

- M1** 2000 c. 6.

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