

Status: Point in time view as at 27/11/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Criminal Justice Act 1991, Cross Heading: Community sentences is up to date with all changes known to be in force on or before 04 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)



Criminal Justice Act 1991

1991 CHAPTER 53

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

VALID FROM 01/10/1992

Community sentences

6 Restrictions on imposing community sentences.

- (1) A court shall not pass on an offender a community sentence, that is to say, a sentence which consists of or includes one or more community orders, unless it is of the opinion that the offence, or the combination of the offence and one other offence associated with it, was serious enough to warrant such a sentence.
- (2) Subject to subsection (3) below, where a court passes a community sentence—
 - (a) the particular order or orders comprising or forming part of the sentence shall be such as in the opinion of the court is, or taken together are, the most suitable for the offender; and
 - (b) the restrictions on liberty imposed by the order or orders 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 other offences associated with it.
- (3) In consequence of the provision made by section 11 below with respect to combination orders, a community sentence shall not consist of or include both a probation order and a community service order.
- (4) In this Part “community order” means any of the following orders, namely—
 - (a) a probation order;
 - (b) a community service order;
 - (c) a combination order;

Status: Point in time view as at 27/11/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Criminal Justice Act 1991, Cross Heading: Community sentences is up to date with all changes known to be in force on or before 04 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)

- (d) a curfew order;
- (e) a supervision order; and
- (f) an attendance centre order.

Commencement Information

I1 S. 6 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

7 Procedural requirements for community sentences.

- (1) In forming any such opinion as is mentioned in subsection (1) or (2)(b) of section 6 above, a court shall take into account all such information about the circumstances of the offence (including any aggravating or mitigating factors) as is available to it.
- (2) In forming any such opinion as is mentioned in subsection (2)(a) of that section, a court may take into account any information about the offender which is before it.
- (3) A court shall obtain and consider a pre-sentence report before forming an opinion as to the suitability for the offender of one or more of the following orders, namely—
 - (a) a probation order which includes additional requirements authorised by Schedule 1A to the 1973 Act;
 - (b) a community service order;
 - (c) a combination order; and
 - (d) a supervision order which includes requirements imposed under section 12, 12A, 12AA, 12B or 12C of the ^{M1}Children and Young Persons Act 1969 (“the 1969 Act”).
- (4) No community sentence which consists of or includes such an order as is mentioned in subsection (3) above shall be invalidated by the failure of a court to comply with that subsection, but any court on an appeal against such a sentence—
 - (a) shall obtain a pre-sentence report if none was obtained by the court below; and
 - (b) shall consider any such report obtained by it or by that court.

Commencement Information

I2 S. 7 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M1 1969 c. 54.

Status:

Point in time view as at 27/11/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

Criminal Justice Act 1991, Cross Heading: Community sentences is up to date with all changes known to be in force on or before 04 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.