



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART I

#### POWERS OF COURTS TO DEAL WITH OFFENDERS

##### *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 [<sup>F1</sup>or more offences] 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 [<sup>F2</sup>one or more] 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;
  - [<sup>F3</sup>(aa) a drug treatment and testing order;]
  - (b) a community service order;
  - (c) a combination order;
  - (d) a curfew order;
  - (e) a supervision order; <sup>F4</sup> . . .

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*Status: Point in time view as at 30/09/1998. This version of this provision has been superseded.*  
**Changes to legislation:** *Criminal Justice Act 1991, Section 6 is up to date with all changes known to be in force on or before 16 May 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)*

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- (f) an attendance centre order.  
 [<sup>F3</sup>(g) an action plan order.]

#### Textual Amendments

- F1** Words in s. 6(1) substituted (16.8.1993) by 1993 c. 36, s. 66(4)(a)(9); S.I. 1993/1968, art. 2(1), **Sch. 1**
- F2** Words in s. 6(2)(b) substituted (16.8.1993) by 1993 c. 36, s. 66(4)(b)(9); S.I. 1993/1968, art. 2(1), **Sch. 1**
- F3** S. 6(4)(aa)(g) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 74(a)(c)**; S.I. 1998/2327, **art.2(1)(y)(2)(v)**.
- F4** Word “and” immediately following s. 6(4)(e) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 74(b), **Sch.10**; S.I. 1998/2327, **art.2(1)(y)(2)(v)(3)(t)**.

#### Modifications etc. (not altering text)

- C1** S. 6 excluded (1.3.1998) by 1997 c. 43, s. 17(5) (with Sch. 1 para. 10(4))(by 1998 c. 37, s. 120(2), **Sch.10**, the said s. 17(5) is repealed (30.9.1998); S.I. 1998/2327, **art.2(1)(aa)(3)(x)**)  
 S. 6 excluded (1.1.1998) by 1997 c. 43, s. 37(3); S.I. 1997/2200, **art. 3** (with savings in art. 5)

#### 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**.

**Status:**

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