



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART IV

COMMUNITY ORDERS AND REPARATION ORDERS

CHAPTER III

COMMUNITY ORDERS AVAILABLE ONLY WHERE OFFENDER AGED 16 OR OVER

[^{F1}Community punishment orders]

46 [^{F1}Community punishment orders].

- (1) Where a person aged 16 or over is convicted of an offence punishable with imprisonment, the court by or before which he is convicted may (subject to sections 34 to 36 above) make an order requiring him to perform unpaid work in accordance with section 47 below.
- (2) An order under subsection (1) above is in this Act referred to as a [^{F2}“community punishment order”].
- (3) The number of hours which a person may be required to work under a [^{F1}community punishment order] shall be specified in the order and shall be in the aggregate—
 - (a) not less than 40; and
 - (b) not more than 240.
- (4) A court shall not make a [^{F1}community punishment order] in respect of an offender unless, after hearing (if the court thinks it necessary) an appropriate officer, the court is satisfied that the offender is a suitable person to perform work under such an order.
- (5) In subsection (4) above “an appropriate officer” means—

Status: Point in time view as at 01/10/2002. This version of this provision has been superseded.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 46 is up to date with all changes known to be in force on or before 19 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)

- (a) in the case of an offender aged 18 or over, [^{F3}an officer of a local probation board] or social worker of a local authority social services department; and
 - (b) in the case of an offender aged under 18, [^{F3}an officer of a local probation board], a social worker of a local authority social services department or a member of a youth offending team.
- (6) A court shall not make a [^{F1}community punishment order] in respect of an offender unless it is satisfied that provision for him 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 petty sessions area in which he resides or will reside.
- (7) Subsection (6) above has effect subject to paragraphs 3 and 4 of Schedule 4 to this Act (transfer of order to Scotland or Northern Ireland).
- (8) Where a court makes [^{F1}community punishment orders] in respect of two or more offences of which the offender has been convicted by or before the court, the court may direct that the hours of work specified in any of those orders shall be concurrent with or additional to those specified in any other of those orders, but so that the total number of hours which are not concurrent shall not exceed the maximum specified in subsection (3)(b) above.
- (9) A [^{F1}community punishment order]—
- (a) shall specify the petty sessions area in which the offender resides or will reside; and
 - (b) where the offender is aged under 18 at the time the order is made, may also specify a local authority for the purposes of section 47(5)(b) below (cases where functions are to be discharged by member of a youth offending team);
- and if the order specifies a local authority for those purposes, the authority specified must be the local authority within whose area it appears to the court that the offender resides or will reside.
- (10) Before making a [^{F1}community punishment order], the court shall explain to the offender in ordinary language—
- (a) the purpose and effect of the order (and in particular the requirements of the order as specified in section 47(1) to (3) below);
 - (b) the consequences which may follow (under Part II of Schedule 3 to this Act) if he fails to comply with any of those requirements; and
 - (c) that the court has power (under Parts III and IV of that Schedule) to review the order on the application either of the offender or of the responsible officer.
- (11) The court by which a [^{F1}community punishment order] is made shall forthwith give copies of the order to—
- (a) if the offender is aged 18 or over, [^{F3}an officer of a local probation board] assigned to the court, or
 - (b) if the offender is aged under 18, [^{F3}an officer of a local probation board] or member of a youth offending team so assigned,
- and he shall give a copy to the offender and to the responsible officer.
- (12) The court by which such an order is made shall also, except where it itself acts for the petty sessions area specified in the order, send to the [^{F4}justices' chief executive] for that area—
- (a) a copy of the order; and

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- (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in the exercise of its functions in relation to the order.

(13) In this section and Schedule 3 to this Act “responsible officer”, in relation to an offender subject to a [F1community punishment order], means the person mentioned in subsection (4) [F5. . .] or (5)(b) of section 47 below who, as respects the order, is responsible for discharging the functions conferred by that section.

Textual Amendments

- F1** Words in s. 46(3)(4)(6)(8)(11)(13) and sidenote substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 2(1)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F2** Words in s. 46(2) substituted (1.4.2001) by 2000 c. 43, s. 44(3)(a); S.I. 2001/919, **art. 2(b)**
- F3** Words in s. 46(5)(11) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F4** Words in s. 46(12) substituted (1.4.2001) by S.I. 2001/618, **art. 5(3)**
- F5** Words in s. 46(13) repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 168, **Sch. 8**; S.I. 2001/919, **art. 2(f)(ii)(g)**

Modifications etc. (not altering text)

- C1** S. 46(1) applied (with modifications) (25.8.2000) by 1997 c. 43, s. 35(4) (as substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 184(3)**)
- S. 46(1) amended (1.4.2001) by 2000 c. 43, s. 44(1); S.I. 2001/919, **art. 2(b)**

Status:

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