



# Criminal Justice Act 2003

## 2003 CHAPTER 44

### PART 12

#### SENTENCING

### CHAPTER 2

#### COMMUNITY ORDERS: OFFENDERS AGED 16 OR OVER

#### 177 Community orders

- (1) Where a person aged [<sup>F1</sup>18] or over is convicted of an offence, the court by or before which he is convicted may make an order (in this Part referred to as a “community order”) imposing on him any one or more of the following requirements—
- (a) an unpaid work requirement (as defined by section 199),
  - [<sup>F2</sup>(aa) a rehabilitation activity requirement (as defined by section 200A),]
  - [<sup>F3</sup>(b) .....
  - (c) a programme requirement (as defined by section 202),
  - (d) a prohibited activity requirement (as defined by section 203),
  - (e) a curfew requirement (as defined by section 204),
  - (f) an exclusion requirement (as defined by section 205),
  - (g) a residence requirement (as defined by section 206),
  - [<sup>F4</sup>(ga) a foreign travel prohibition requirement (as defined by section 206A),]
  - (h) a mental health treatment requirement (as defined by section 207),
  - (i) a drug rehabilitation requirement (as defined by section 209),
  - (j) an alcohol treatment requirement (as defined by section 212),
  - [<sup>F5</sup>(ja) an alcohol abstinence and monitoring requirement (as defined by section 212A),]
  - [<sup>F6</sup>(k) .....
  - (l) in a case where the offender is aged under 25, an attendance centre requirement (as defined by section 214)[<sup>F7</sup>, and

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- (m) an electronic monitoring requirement (as defined by section 215).]
- (2) Subsection (1) has effect subject to sections 150 and 218 and to the following provisions of Chapter 4 relating to particular requirements—
- (a) section 199(3) (unpaid work requirement),
  - <sup>F8</sup>(b) .....
  - <sup>F9</sup>(c) .....
  - (d) section 203(2) (prohibited activity requirement),
  - (e) section 207(3) (mental health treatment requirement),
  - (f) section 209(2) (drug rehabilitation requirement), [<sup>F10</sup>and]
  - (g) section 212(2) and (3) (alcohol treatment requirement)[<sup>F11</sup>, [<sup>F12</sup>and]
  - (h) section 212A(8) to (12) (alcohol abstinence and monitoring requirement).][<sup>F13</sup>, and
  - (i) section 215(2) (electronic monitoring requirement).]
- <sup>F14</sup>(2A) Where the court makes a community order, the court must—
- (a) include in the order at least one requirement imposed for the purpose of punishment, or
  - (b) impose a fine for the offence in respect of which the community order is made, or
  - (c) comply with both of paragraphs (a) and (b).
- (2B) Subsection (2A) does not apply where there are exceptional circumstances which—
- (a) relate to the offence or to the offender,
  - (b) would make it unjust in all the circumstances for the court to comply with subsection (2A)(a) in the particular case, and
  - (c) would make it unjust in all the circumstances for the court to impose a fine for the offence concerned.]
- (3) Where the court makes a community order imposing a curfew requirement or an exclusion requirement, the court must also impose an electronic monitoring requirement [<sup>F15</sup>(as defined by section 215)][<sup>F15</sup>within section 215(1)(a) for securing the electronic monitoring of the curfew or exclusion requirement] unless—
- (a) it is prevented from doing so by section 215(2) or 218(4), or
  - (b) in the particular circumstances of the case, it considers it inappropriate to do so.
- (4) [<sup>F16</sup>Where the court makes a community order imposing an unpaid work requirement, [<sup>F17</sup>a rehabilitation activity requirement,]<sup>F18</sup>... a programme requirement, a prohibited activity requirement, a residence requirement, [<sup>F19</sup>a foreign travel prohibition requirement,] a mental health treatment requirement, a drug rehabilitation requirement, an alcohol treatment requirement <sup>F18</sup>... or an attendance centre requirement, the court may also impose an electronic monitoring requirement unless prevented from doing so by section 215(2) or 218(4).]
- (5) A community order must specify a date [<sup>F20</sup>(“the end date”)], not more than three years after the date of the order, by which all the requirements in it must have been complied with<sup>F21</sup> ...
- <sup>F22</sup>(5A) If a community order imposes two or more different requirements falling within subsection (1), the order may also specify a date by which each of those requirements

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must have been complied with; and the last of those dates must be the same as the end date.

(5B) Subject to section 200(3) (duration of community order imposing unpaid work requirement), a community order ceases to be in force on the end date.]

(6) Before making a community order imposing two or more different requirements falling within subsection (1), the court must consider whether, in the circumstances of the case, the requirements are compatible with each other.

### Textual Amendments

- F1** Word in s. 177(1) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 6, 153, Sch. 4 para. 82](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(xiii\)](#)
- F2** S. 177(1)(aa) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 15\(2\), 22\(1\)](#) (with [Sch. 7 para. 7](#)); S.I. 2015/40, [art. 2\(m\)](#)
- F3** S. 177(1)(b) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\), s. 22\(1\), Sch. 5 para. 2\(2\)](#) (with [Sch. 7 para. 7](#)); S.I. 2015/40, [art. 2\(v\)](#)
- F4** S. 177(1)(ga) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 72\(1\), 151\(1\)](#); S.I. 2012/2906, [art. 2\(a\)](#) (with [art. 3](#))
- F5** S. 177(1)(ja) inserted (31.7.2014 only in relation to the South London local justice area for specified purposes until 31.3.2016, 1.4.2016 for specified local justice areas for all purposes other than application by the Armed Forces Act 2006 until 31.3.2018, 1.5.2017 in relation to specified local justice areas for specified purposes until the end of 30.4.2019, 19.5.2020 in so far as not already in force) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 76\(2\), 77, 151\(3\)](#); S.I. 2014/1777, [arts. 2, 3, 4\(1\)](#) (with [art. 4\(2\)](#)) (as amended (30.7.2015) by S.I. 2015/1480, [arts. 1, 2](#) and (30.1.2016) by S.I. 2016/1, [arts. 1, 2](#)); S.I. 2016/286, [arts. 2, 3, 4\(1\)](#) (with [art. 4\(2\)](#)) (as amended (31.3.2017) by S.I. 2017/225, [arts. 1, 2](#)); S.I. 2017/525, [arts. 2, 3, 4\(1\)](#) (with [art. 4\(2\)](#)); S.I. 2020/478, [art. 2](#)
- F6** S. 177(1)(k) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\), s. 22\(1\), Sch. 5 para. 2\(2\)](#) (with [Sch. 7 para. 7](#)); S.I. 2015/40, [art. 2\(v\)](#)
- F7** S. 177(1)(m) and word inserted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 16 para. 12\(2\)\(b\)](#); S.I. 2016/962, [art. 2](#) (with [arts. 3, 4](#)) (as amended (9.10.2017) by S.I. 2017/976, [art. 2](#)); S.I. 2017/236, [art. 2](#) (with [arts. 3, 4](#)) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, [arts. 1, 2](#)); S.I. 2018/1423, [art. 2\(b\)](#)
- F8** S. 177(2)(b) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\), s. 22\(1\), Sch. 5 para. 2\(3\)](#) (with [Sch. 7 para. 7](#)); S.I. 2015/40, [art. 2\(v\)](#)
- F9** S. 177(2)(c) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 70\(1\), 151\(1\)](#); S.I. 2012/2906, [art. 2\(a\)](#)
- F10** Word in s. 177(2)(f) omitted (31.7.2014 only in relation to the South London local justice area for specified purposes until 31.3.2016, 1.4.2016 for specified local justice areas for all purposes other than application by the Armed Forces Act 2006 until 31.3.2018, 1.5.2017 in relation to specified local justice areas for specified purposes until the end of 30.4.2019, 19.5.2020 in so far as not already in force) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 76\(3\)\(a\), 77, 151\(3\)](#); S.I. 2014/1777, [arts. 2, 3, 4\(1\)](#) (with [art. 4\(2\)](#)) (as amended (30.7.2015) by S.I. 2015/1480, [arts. 1, 2](#) and (30.1.2016) by S.I. 2016/1, [arts. 1, 2](#)); S.I. 2016/286, [arts. 2, 3, 4\(1\)](#) (with [art. 4\(2\)](#)) (as amended (31.3.2017) by S.I. 2017/225, [arts. 1, 2](#)); S.I. 2017/525, [arts. 2, 3, 4\(1\)](#) (with [art. 4\(2\)](#)); S.I. 2020/478, [art. 2](#)
- F11** S. 177(2)(h) and word inserted (31.7.2014 only in relation to the South London local justice area for specified purposes until 31.3.2016, 1.4.2016 for specified local justice areas for all purposes other than application by the Armed Forces Act 2006 until 31.3.2018, 1.5.2017 in relation to specified local justice areas for specified purposes until the end of 30.4.2019, 19.5.2020 in so far as not already

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- in force) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 76(3)(b)**, 77, 151(3); S.I. 2014/1777, arts. 2, 3, 4(1) (with art. 4(2)) (as amended (30.7.2015) by S.I. 2015/1480, arts. 1, 2 and (30.1.2016) by S.I. 2016/1, arts. 1, 2); S.I. 2016/286, arts. 2, 3, 4(1) (with art. 4(2)) (as amended (31.3.2017) by S.I. 2017/225, arts. 1, 2); S.I. 2017/525, arts. 2, 3, 4(1) (with art. 4(2)); S.I. 2020/478, art. 2
- F12** Word in s. 177(2) omitted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 16 para. 12(3)(a)**; S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2); S.I. 2018/1423, art. 2(b)
- F13** S. 177(2)(i) and word inserted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 16 para. 12(3)(b)**; S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2); S.I. 2018/1423, art. 2(b)
- F14** S. 177(2A)(2B) inserted (11.12.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 16 para. 2** (with Sch. 16 para. 4); S.I. 2013/2981, art. 2(d)
- F15** Words in s. 177(3) substituted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 16 para. 12(4)**; S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2); S.I. 2018/1423, art. 2(b)
- F16** S. 177(4) omitted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 16 para. 12(5)**; S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2); S.I. 2018/1423, art. 2(b)
- F17** Words in s. 177(4) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 5 para. 2(4)(a)** (with Sch. 7 para. 7); S.I. 2015/40, art. 2(v)
- F18** Words in s. 177(4) omitted (1.2.2015) by virtue of Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 5 para. 2(4)(b)** (with Sch. 7 para. 7); S.I. 2015/40, art. 2(v)
- F19** Words in s. 177(4) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 72(2)**, 151(1); S.I. 2012/2906, art. 2(a) (with art. 3)
- F20** Words in s. 177(5) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 66(1)(a)**, 151(1); S.I. 2012/2906, art. 2(a)
- F21** Words in s. 177(5) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 66(1)(b)**, 151(1); S.I. 2012/2906, art. 2(a)
- F22** S. 177(5A)(5B) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), **ss. 66(2)**, 151(1); S.I. 2012/2906, art. 2(a)

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

- C1** S. 177(2A)(2B) modified by 2006 c. 52, s. 182(3A) (as inserted (11.12.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 16 para. 33(2)** (with Sch. 16 para. 35); S.I. 2013/2981, art. 2(e))
- C2** S. 177(3)-(6) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), **ss. 178(3)(4)**, 383; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- C3** S. 177(5)(6) extended (28.3.2009 for certain purposes, otherwise 31.10.2009) by Armed Forces Act 2006 (c. 52), **ss. 182(4)-(6)**, 383 (subject to s. 183) (as amended (11.12.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 16 para. 33(3)** (with Sch. 16 para. 35); S.I. 2013/2981, art. 2(e)); S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

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#### Commencement Information

- I1** S. 177 wholly in force at 4.4.2009; s. 177 not in force at Royal Assent, see s. 336(3); s. 177 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 8](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

### 178 Power to provide for court review of community orders

- (1) The Secretary of State may by order—
- enable or require a court making a community order to provide for the community order to be reviewed periodically by that or another court,
  - enable a court to amend a community order so as to include or remove a provision for review by a court, and
  - make provision as to the timing and conduct of reviews and as to the powers of the court on a review.
- (2) An order under this section may, in particular, make provision in relation to community orders corresponding to any provision made by sections 191 and 192 in relation to suspended sentence orders.
- (3) An order under this section may repeal or amend any provision of this Part.

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

- C4** S. 178 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006](#) (c. 52), [ss. 178\(3\)\(4\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

### 179 Breach, revocation or amendment of community order

Schedule 8 (which relates to failures to comply with the requirements of community orders and to the revocation or amendment of such orders) shall have effect.

#### Commencement Information

- I2** S. 179 wholly in force at 4.4.2009; s. 179 not in force at Royal Assent, see s. 336(3); s. 179 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 8](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

### 180 Transfer of community orders to Scotland or Northern Ireland

Schedule 9 (transfer of community orders to Scotland or Northern Ireland) shall have effect.

#### Commencement Information

- I3** S. 180 wholly in force at 4.4.2009; s. 180 not in force at Royal Assent, see s. 336(3); s. 180 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 8](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

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