

Status: Point in time view as at 01/02/1991.

Changes to legislation: Naval Discipline Act 1957 (repealed), Cross Heading: Community supervision orders is up to date with all changes known to be in force on or before 21 July 2024.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

[^{F1}SCHEDULE 4A]

POWERS OF COURT ON TRIAL OF CIVILIAN

Textual Amendments

F1 Sch. 4A inserted by [Armed Forces Act 1976 \(c. 52\)](#), Sch. 4 paras. 1, 3

Modifications etc. (not altering text)

C1 Sch. 4A excluded (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 134(1)(d)(2)(3); S.I. 2004/874, art. 2; S.S.I. 2004/138, art. 2

Community supervision orders

Textual Amendments applied to the whole legislation

F1 Act repealed (prosp.) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#) and the repeal being partly in force, as to which see individual provisions

- 4 (1) Subject to sub-paragraph (4) below, where a civilian . . . ^{F1} is found guilty of an offence and the court is of opinion that, having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient that he should undergo a period of supervision, the court may make an order directing him to comply during a specified period not exceeding 12 months with the reasonable requirements of a specified person nominated in the prescribed manner.
- (2) In this Schedule—
- “community supervision order” means an order under this paragraph;
 - “supervision period” means the period specified in a community supervision order; and
 - “supervisor” means a person with whose requirements a community supervision order for the time being requires compliance on the part of the person subject to it.
- (3) The court making a community supervision order may include in it direction to the person who is to be subject to it to comply during the whole or any specified part of the supervision period with such requirements of any prescribed description as the court, having regard to the circumstances, considers will be beneficial for him.
- (4) Before making a community supervision order the court—
- (a) shall explain in ordinary language to the person who is to be subject to it the effect of such an order and the consequences under sub-paragraphs

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- (6) to (10) below of breach of any requirement imposed by virtue of sub-paragraph (1) or (3) above, and
- (b) shall obtain his consent and, if he is under 17 years of age, the consent of his parent or guardian, to the making of the order and to the inclusion in it of any requirement by virtue of sub-paragraph (3) above.
- (5) If the court makes a community supervision order against any person on finding him guilty of an offence, it may not make any other order except a compensation order in respect of his conviction for that offence.
- (6) If a person subject to a community supervision order fails without reasonable excuse to comply with any requirement reasonably imposed by his supervisor or with any requirement included in the order by virtue of sub-paragraph (3) above, he shall be guilty of an offence triable by court-martial.
- (7) Any such offence shall be treated as if it were an offence against a provision of Part II of this Act.
- (8) If a court-martial under any of the Services Acts finds a person guilty of any offence (including an offence under sub-paragraph (6) above) committed during a supervision period, the court-martial may deal with him for the offence for which the community supervision order was made in any manner in which the court which made the order could deal with him if it had just found him guilty of that offence.
- (9) If a Standing Civilian Court finds a person guilty of any offence (including an offence under sub-paragraph (6) above) committed during a supervision period, the Standing Civilian Court may deal with him for the offence for which the community supervision order was made in any manner in which such a court could deal with him if it had just found him guilty of it.
- (10) If the court finds a person guilty of an offence under sub-paragraph (6) above, it may, instead of dealing with him for the offence for which the community supervision order was made, impose a fine not exceeding £50 upon him.
- (11) An officer authorised by the Defence Council—
- (a) may discharge a community supervision order or modify such an order in any way which in his opinion does not increase its severity, and
- (b) may replace a supervisor by specifying a new supervisor nominated in the prescribed manner.
- (12) The powers conferred by sub-paragraph (11)(a) above are without prejudice to any of the powers of a confirming officer or reviewing authority.

Textual Amendments

F1 Words repealed by [Armed Forces Act 1986 \(c. 21, SIF 7:1\)](#), ss. 10(1), 16(2), [Sch. 2](#)

Modifications etc. (not altering text)

C1 [Sch. 4A para. 4](#) power to exclude conferred by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 50(4)(a)

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