
STATUTORY INSTRUMENTS

1996 No. 3160

The Criminal Justice (Northern Ireland) Order 1996

^{F1}PART II

TREATMENT OF OFFENDERS

Community service orders

Community service orders in respect of convicted persons

13.—(1) Subject to paragraph (4), where a person of or over 16 years of age is convicted of an offence punishable with imprisonment [^{F1} (not being an offence for which the sentence is fixed by law or falls to be imposed under [^{F2} Article 70(2)] of the Firearms (Northern Ireland) Order [^{F3} 2004] [^{F3} or paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006] [^{F4} or Article 13 [^{F5}, 13A] [^{F6}, 14 or 15A] of the Criminal Justice (Northern Ireland) Order 2008] [^{F7} or section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015)]], the court by or before which he is convicted may, make a community service order, that is to say, an order requiring him to perform unpaid work in accordance with the subsequent provisions of this Part.

(2) The number of hours which a person may be required to work under a community service order shall be specified in the order and shall be in the aggregate—

- (a) not less than 40; and
- (b) not more than 240.

(3) The reference in paragraph (1) to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any statutory provision on the imprisonment of persons under 21 years of age.

(4) A court shall not make a community service order in respect of any offender unless the offender consents and the court is satisfied—

- (a) after hearing (if the court thinks it necessary) a probation officer, that the offender is a suitable person to perform work under such an order; and
- ^{F8}(b) that provision can be made by the Probation Board for him to do so.

(5) Where a court makes community service orders in respect of 2 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 paragraph (2)(b).

(6) ^{F9}... The functions conferred by the subsequent provisions of this Part on the relevant officer shall be discharged by a probation officer selected under arrangements made by the Probation Board or a person appointed by it for the purposes of this paragraph.

(7) Before making a community service order the court shall—

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- (a) state in open court that it is of the opinion that Article 8(1) applies and why it is of that opinion; and
- (b) explain to the offender in ordinary language—
 - (i) why it is making a community service order;
 - (ii) the effect of the order (including the requirements of the order as specified in Article 14);
 - (iii) the consequences which may follow under Part II of Schedule 2 if he fails to comply with any of the requirements of the order; and
 - (iv) that the court has under Schedule 2 power to review the order on the application either of the offender or of the relevant officer.

(8) The court by which a community service order is made shall forthwith give copies of the order to a probation officer assigned to the court and he shall give a copy to the offender and to the relevant officer; ^{F10}....

(9) A magistrates' court shall cause a reason stated by it under paragraph (7) to be entered in the Order Book.

(10) The Secretary of State may by order direct that paragraph (2) fl shall be amended by substituting for the maximum number of hours for the time being specified in sub-paragraph (b) of that paragraph such number of hours as may be specified in the order.

(11) Nothing in paragraph (1) shall be construed as preventing a court which makes a community service order in respect of any offence from making an order for costs against, or imposing any disqualification on, the offender or from making in respect of the offence an order under Article 11 or 14 of the Criminal Justice (Northern Ireland) Order 1994 (power to deprive offenders of property used, or intended for use, for purposes of crime and compensation orders) or under Article 8 of the Criminal Justice (Northern Ireland) Order 1980 (driving disqualification where vehicle used for purposes of crime) or under section 27 of the Theft Act (Northern Ireland) 1969 (restitution orders) [^{F11}or a slavery and trafficking reparation order under Schedule 2 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.]

F1 2003 c. 44

F2 2004 NI 3

F3 Words in art. 13(1) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 51, 66(2), **Sch. 2 para. 2(11)(b)(iii)**; S.I. 2007/858, **art. 2(i)(j)**

F4 Words in art. 13(1) inserted (15.5.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 102(1), **Sch. 5 para. 7(4)**; S.R. 2008/217, **art. 2**, Sch. (subject to saving in art. 3(1)(2)(b)(ii))

F5 Word in art. 13(1) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2) (v), **Sch. 13 para. 64(5)**

F6 Words in art. 13(1) substituted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 69(5)**

F7 Words in art. 13(1) inserted (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), **ss. 7(7)(b)(iii)**, 28(2)

F8 mod. by 2000 c. 43

F9 Words in art. 13(6) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(2)(a), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F10 Words in art. 13(8) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(2)(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F11 Words in art. 13(11) inserted (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), s. 28(2), **Sch. 4 para. 12**

Obligations of person subject to community service order

14.—(1) An offender in respect of whom a community service order is in force shall—

- (a) keep in touch with the relevant officer in accordance with such instructions as he may be given by that officer and notify him of any change of address; and
- (b) perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.

(2) Subject to paragraph 15 of Schedule 2, the work required to be performed under a community service order shall be performed during the period of 12 months beginning with the date of the order; but, unless revoked, the order shall remain in force until the offender has worked under it for the number of hours specified in it.

(3) The instructions given by the relevant officer under this Article shall so far as practicable, be such as to avoid any conflict with the offender's religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.

Orders combining probation and community service

15.—(1) Where a court by or before which a person of or over the age of 16 years is convicted of an offence punishable with imprisonment [^{F12} (not being an offence for which the sentence is fixed by law or falls to be imposed under [^{F13} Article 70(2)] of the Firearms (Northern Ireland) Order [^{F13} 2004][^{F14} or paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006][^{F15} or Article 13 [^{F16}, 13A] [^{F17}, 14 or 15A] of the Criminal Justice (Northern Ireland) Order 2008][^{F18} or section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015)] is of the opinion mentioned in paragraph (2), the court may make a combination order, that is to say, an order requiring him both—

- (a) to be under the supervision of a probation officer for a period specified in the order, being not less than 12 months nor more than 3 years; and
- (b) to perform unpaid work for a number of hours so specified, being in the aggregate not less than 40 nor more than 100.

(2) The opinion referred to in paragraph (1) is that the making of a combination order is desirable in the interests of—

- (a) securing the rehabilitation of the offender; or
- (b) protecting the public from harm from him or preventing the commission by him of further offences.

(3) Before making a combination order, the court shall—

- (a) state in open court that it is of the opinion that Article 8(1) applies and why it is of that opinion; and
- (b) explain to the offender in ordinary language why it is making a combination order.

(4) A magistrates' court shall cause a reason stated by it under paragraph (3) to be entered in the Order Book.

(5) Subject to paragraph (1) and to paragraph 6(6) of Schedule 2 a combination order shall be treated for the purposes of this Part as if it were a probation order (so far as it imposes requirements to be under the supervision of a probation order) and as if it were a community service order (so far as it imposes requirements to perform unpaid work).

F12 2003 c. 44

F13 2004 NI 3

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- F14** Words in art. 15(1) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 51, 66(2), **Sch. 2 para. 2(11)(b)(iv)**; S.I. 2007/858, **art. 2(i)(j)**
- F15** Words in art. 15(1) inserted (15.5.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 102(1), **Sch. 5 para. 7(5)**; S.R. 2008/217, **art. 2**, Sch. (subject to saving in art. 3(1)(2)(b)(ii))
- F16** Word in art. 15(1) inserted (29.6.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(2) (v), **Sch. 13 para. 64(6)**
- F17** Words in art. 15(1) substituted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 69(6)**
- F18** Words in art. 15(1) inserted (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), **ss. 7(7)(b)(iv)**, 28(2)

Modifications etc. (not altering text)

- C1** Art. 15(5) applied (1.4.2009) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **35(2)**; S.R. 2009/120, **art. 2**, Sch. 1 para. 15

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Changes and effects yet to be applied to :

- [Instrument rev. in pt. by 1998 c. 40 s.9\(1\)\(2\)Sch.1 Pt.II para.10Sch.2 Pt.II](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch. 2 para. 9\(1\)\(a\)\(i\) words repealed by 2015 c. 9 \(N.I.\) Sch. 1 para. 112\(5\)\(e\)Sch. 9 Pt. 1](#)
- [art. 44A\(4\) words substituted by S.I. 2008/1216 \(N.I.\) Sch. 5 para. 7\(9\) \(This amendment not applied to legislation.gov.uk. It is thought that the correct affected document should be S.I. 1998/1504 \(N.I. 9\), art. 44A\(4\). The correction will be made as soon as we get the approved amended document from the relevant office\)](#)
- [art. 53\(1\) art. 53 renumbered as art. 53\(1\) by 2019 c. 17 s. 44\(6\)](#)
- [art. 53\(1\)\(a\) substituted by 2019 c. 17 s. 43\(2\)](#)
- [art. 53\(2\)-\(9\) inserted by 2019 c. 17 s. 44\(7\)](#)
- [art. 54A inserted by 2019 c. 17 s. 37\(3\)](#)