



Jersey

CRIMINAL JUSTICE (COMMUNITY SERVICE ORDERS) (JERSEY) LAW 2001

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CRIMINAL JUSTICE (COMMUNITY SERVICE ORDERS) (JERSEY) LAW 2001

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A **LAW** to enable certain offenders to be ordered to perform community service, and for connected purposes

Commencement [[see endnotes](#)]

1 Interpretation

In this Law, unless the context otherwise requires –

“community service order” shall be construed in accordance with Article 4;

“compensation order” has the same meaning as in the [Criminal Justice \(Compensation Orders\) \(Jersey\) Law 1994](#);

“designated person” means a person designated pursuant to Article 10;

“offender” means a person in respect of whom a community service order is or may be made;

“probation officer” means a *délégué* appointed under Article 7(2) of the [Loi \(1937\) sur l’atténuation des peines et sur la mise en liberté surveillée](#) and “Chief Probation Officer” means the senior probation officer so appointed;

“probation order” means an order under the [Loi \(1937\) sur l’atténuation des peines et sur la mise en liberté surveillée](#) made on the conditions described in Article 3 thereof;

“relevant officer” means, in relation to a community service order, the person so assigned pursuant to Article 3(7);

“Young Offenders Law” means the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#);

“Youth Court” has the same meaning as in the Young Offenders Law;

“youth detention” has the same meaning as in the Young Offenders Law.¹

2 Power to make community service order

- (1) An order requiring a person to do community service may be made only under and in accordance with this Law.
- (2) Subject to this Law, a court may make a community service order in respect of a person aged 15 years or more who is found guilty of an offence punishable with imprisonment, other than murder or any other offence for which the sentence is fixed by law as imprisonment for life.
- (3) A community service order may be made only where the court is considering passing a sentence of imprisonment or youth detention.

3 Making of community service order

- (1) A court considering making a community service order shall obtain from a probation officer or a designated person and consider a written or verbal report upon –
 - (a) the offender and the offender's circumstances;
 - (b) the suitability and willingness of the offender to perform community service; and
 - (c) the availability of community service.
- (2) Before making a community service order, the court shall be satisfied –
 - (a) that a probation officer or a designated person has explained to the offender in plain language –
 - (i) the purpose and effect of the order and, in particular, the obligations described in Article 5,
 - (ii) the power of the court under Article 6 to review the order on the application of either the offender or the relevant officer, and
 - (iii) the consequences which may follow under Article 7, if the offender fails to comply with any obligations under the order, or under Article 8, if the offender is convicted of a further offence while the order is in force;and
 - (b) that the offender has understood the explanation.
- (3) A court shall not make a community service order in respect of an offender unless –
 - (a) the court is satisfied that provision can be made for the offender under the arrangements for persons to perform work under such orders; and
 - (b) the court is satisfied, after considering the report described in paragraph (1), that the offender is a suitable person and willing to perform work under such an order.
- (4) Where a community service order is made, it shall be made instead of passing a sentence of imprisonment or youth detention.
- (5) When making a community service order, the court shall –

- (a) state in the order the sentence of imprisonment or youth detention which it was considering passing; and
 - (b) provide the offender and the Chief Probation Officer with a copy of the order.
- (6) Paragraph (4) shall not prevent a court which makes a community service order from making any other order (other than the imposition of a fine) which may be made on the conviction of the offender.
- (7) Where a community service order is made, the Chief Probation Officer shall assign a probation officer or a designated person to be the relevant officer in relation to it.

4 Community service order

- (1) A community service order requires the person in respect of whom it is made to perform unpaid work in accordance with this Law.
- (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 not less than 40 and not more than –
 - (a) where the order is made by the Magistrate's Court or the Youth Court, 180; and
 - (b) where the order is made by the Royal Court, 480.²
- (3) Where a court makes community service orders in respect of 2 or more offences, it may direct that the number of hours of work specified in each order shall be concurrent with or additional to those specified in any other of those orders, but so that the aggregate number of hours which are not concurrent shall not exceed the maximum described in paragraph (2).
- (4) The States may by Regulations amend paragraph (2)(a) and (b) so as to substitute the maximum number of hours for the time being specified in those provisions.

5 Obligations of offender subject to community service order

- (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 the offender may from time to time be given by that officer and notify the officer of any change of address; and
 - (b) perform, to the satisfaction of the relevant officer and for the number of hours specified in the order, such work at such times as the offender may be instructed by the relevant officer.
- (2) Subject to Article 6(1), the work required to be performed under a community service order shall be performed –
 - (a) where the number of hours specified in the order is 240 or less, during the period of 12 months beginning with the date of the order;
 - (b) where the number of hours specified in the order is more than 240, during the period of 24 months beginning with the date of the order.³

- (3) Notwithstanding paragraph (2), a community service order shall remain in force until the offender has worked under it for the number of hours specified in it or until it is revoked.
- (4) The instructions to be given by the relevant officer under paragraph (1) shall, as 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 the offender normally works or attends a school or other educational establishment.
- (5) While the community service order is in force, the offender shall not leave Jersey without the prior written permission of the Chief Probation Officer.
- (6) The power to make rules of court under the [Royal Court \(Jersey\) Law 1948](#) shall include a power to make rules for the purposes of this Law regulating the arrangements to be made for persons subject to community service orders to perform work and the performance of such work.
- (7) Rules made pursuant to paragraph (6) may, without prejudice to the generality of that paragraph, regulate the functions of relevant officers.
- (8) Rules made pursuant to paragraph (6) may in particular make provision –
 - (a) limiting the number of hours of work to be done by a person on any one day;
 - (b) as to the reckoning of hours worked and the keeping of work records; and
 - (c) for the payment of travelling and other expenses in connection with the performance of work.

6 Variation or revocation of community service order due to change in circumstances

- (1) Where a community service order is in force in respect of any offender and, on the application of the offender or the relevant officer, it appears to the court which made the order that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made the court may –
 - (a) extend the period described in Article 5(2);
 - (b) revoke the order; or
 - (c) revoke the order and deal with the offender for the offence in respect of which the order was made, in any manner in which it could deal with the offender if the offender had just been convicted by the court of the offence.
- (2) Where a court proposes to exercise its powers under paragraph (1) otherwise than on the application of the offender, the offender shall be brought before the court by –
 - (a) in the case of an order made by the Royal Court, the Attorney General; or
 - (b) in the case of an order made by the Magistrate's Court or Youth Court, the Centenier who presented the offender before the court for the offence.⁴
- (3) Where, in the case described in paragraph (2), the offender does not appear before the court, the court may order the offender's arrest.

7 Breach of community service order

- (1) If at any time while a community service order is in force, it appears on written information to, in the case of an offender sentenced by the Royal Court, the Attorney General or, in the case of an offender sentenced by the Magistrate's Court or Youth Court, the Centenier who presented the offender before the court for the offence, that the offender has failed to comply with any obligation under Article 5, the Attorney General may or the Centenier shall, as the case may be, present the offender before the court which made the order.⁵
- (2) The Attorney General or Centenier may, if he or she considers it necessary to ensure the offender's appearance in court for the purposes of this Article, request the Bailiff or the Magistrate, as the case may be, to issue a warrant for the arrest of the offender.⁶
- (3) Where the offender appears or is brought before the Magistrate's Court or Youth Court, that court may commit the offender to the Royal Court to determine whether there has been the failure described in paragraph (4) and, if there has, to deal with the offender in accordance with that paragraph.
- (4) If it is proved to the satisfaction of the court before which the offender appears or is brought or to which the offender is committed that the offender has failed to comply with any obligation under Article 5, the court may –
 - (a) continue the order, with or without variation and with or without the imposition of a fine; or
 - (b) revoke the order and deal with the offence in respect of which the order was made, in any manner in which the offender could have been dealt with for that offence by the court which made the order.

8 Powers on further conviction

- (1) Where an offender in respect of whom a community service order is in force is convicted of a further offence by or before any court, the offender may be dealt with by that court in respect of the community service order in accordance with paragraph (5).⁷
- (2) Where an offender in respect of whom a community service order made by the Magistrate's Court or Youth Court is in force is convicted by that court of a further offence and committed to the Royal Court to receive sentence, the offender may also be committed to the Royal Court to be dealt with by the Royal Court in respect of the community service order in accordance with paragraph (5).
- (3) Where an offender in respect of whom a community service order made by the Royal Court is in force is convicted of a further offence by the Magistrate's Court or Youth Court, that court may commit the offender to the Royal Court to be dealt with by the Royal Court in respect of the community service order in accordance with paragraph (5).⁸
- (4) The Magistrate's Court or Youth Court, when committing an offender to the Royal Court under paragraph (3), may also commit the offender to the Royal Court to receive sentence for the further offence, notwithstanding that it is not of the opinion that there should be imposed for the further offence a penalty or penalties in excess of those which it is empowered to impose.

- (5) The court before which the offender appears or is brought or to which the offender is committed may –
- (a) revoke the order;
 - (b) continue the order with or without variation and with or without the imposition of a fine; or
 - (c) revoke the order and deal with the offence in respect of which the order was made –
 - (i) in the case of the Magistrate's Court or Youth Court, in any manner in which the offender could have been dealt with by that court for that offence, or
 - (ii) in the case of the Royal Court, in any manner in which the offender could have been dealt with for that offence by the court which made the order.

9 Supplemental provisions

- (1) An order under Article 6(3) or a warrant issued under Article 7(2) may be executed by a member of the States of Jersey Police Force, a member of the Honorary Police or the Viscount, and the person executing a warrant shall, as soon as is reasonably practicable, bring the offender before the court by which the order was made or for which the warrant was issued.
- (2) The variations which may be made under Article 7(4)(a) or 8(5)(b) include, subject to Article 4(2), an increase or decrease in the number of hours for which the offender is required to work.
- (3) A fine imposed under Article 7(4)(a) or 8(5)(b) shall be deemed for the purpose of any enactment, to be a sum adjudged to be paid on a conviction.
- (4) In dealing with an offence under Article 6(1)(c), 7(4)(b) or 8(5)(c), a court shall take into account the sentence stated in the community service order pursuant to Article 3(5).
- (5) In the case of an offender subject to both a community service order and a probation order in respect of an offence, a court, when exercising its powers under Article 6(1), 7(4) or 8(5) in relation to the community service order, may also exercise the powers conferred by Article 5(3) of the [Loi \(1937\) sur l'atténuation des peines et sur la mise en liberté surveillée](#) in relation to the probation order.
- (6) ⁹

10 Designated persons

The Chief Probation Officer may designate such persons, other than probation officers, as the Chief Probation Officer thinks are fit to prepare reports, give explanations and act as relevant officers for the purposes of this Law.

11 Regulations

- (1) The States may by Regulations make provision for the transfer of community service orders to other places in the British Islands and for the receipt of community service orders transferred from other places in the British Islands.
- (2) Regulations made under paragraph (1) may make such consequential, incidental, transitional and supplementary provision as the States consider appropriate.

12 Citation

This Law may be cited as the Criminal Justice (Community Service Orders) (Jersey) Law 2001.

ENDNOTES

Table of Legislation History

Legislation	Year and Number	Commencement
Criminal Justice (Community Service Orders) (Jersey) Law 2001	L.8/2001	1 June 2001 (R&O.78/2001)
Criminal Justice (Community Service Orders - Sentencing Powers) (Jersey) Regulations 2001	R&O.79/2001	1 June 2001
Criminal Justice (Community Service Orders) (Amendment) (Jersey) Law 2008 ¹⁰	L.3/2008	11 January 2008
Court of Appeal (Amendment No. 8) (Jersey) Law 2008	L.25/2008	3 August 2009 (R&O.63/2009)
Connétables (Miscellaneous Provisions) (Jersey) Law 2012	L.30/2012	1 August 2014 (R&O.80/2014)
Criminal Justice (Young Offenders) (Consequential Provisions) (Jersey) Regulations 2016	R&O.115/2016	23 November 2016

Table of Renumbered Provisions

Original	Current
1(2), (3), (4)	spent, omitted from this revised edition
11	spent, omitted from this revised edition
12	11
13	12

Table of Endnote References

¹ Article 1	<i>amended by R&O.115/2016</i>
² Article 4(2)	<i>amended by R&O.79/2001, L.3/2008</i>
³ Article 5(2)	<i>substituted by L.3/2008</i>
⁴ Article 6(2)	<i>amended by L.30/2012</i>
⁵ Article 7(1)	<i>amended by L.30/2012</i>
⁶ Article 7(2)	<i>amended by L.30/2012</i>
⁷ Article 8(1)	<i>amended by L.3/2008</i>
⁸ Article 8(3)	<i>amended by L.3/2008</i>
⁹ Article 9(6)	<i>repealed by L.25/2008</i>
¹⁰	Article 5(2) of L.3/2008 states – “(2) Nothing is to be taken to prevent or limit the application of this Law to a person who commits an offence, or is sentenced to a community service order, before this Law comes into force.”