



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 1

SENTENCING

Community orders

66 **Duration of community order**

- (1) In section 177 of the Criminal Justice Act 2003 (general provisions about community orders), in subsection (5) (requirement for order to specify date on which requirements must have been complied with)—
 - (a) after the first “date” insert “(“the end date”)", and
 - (b) omit the words from “; and” to the end of the subsection.
- (2) After that subsection insert—

“(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 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.”
- (3) In Schedule 8 to that Act (breach, revocation or amendment of community order), in paragraph 9 (powers of magistrates’ court in case of breach)—

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- (a) in sub-paragraph (3), for the words from “but may” to the end of the sub-paragraph substitute “but may only amend the order to substitute a later date for that specified under section 177(5) in accordance with sub-paragraphs (3ZA) and (3ZB)”, and
 - (b) after that sub-paragraph insert—
 - “(3ZA) A date substituted under sub-paragraph (3)—
 - (a) may not fall outside the period of six months beginning with the date previously specified under section 177(5);
 - (b) subject to that, may fall more than three years after the date of the order.
 - (3ZB) The power under sub-paragraph (3) to substitute a date may not be exercised in relation to an order if that power or the power in paragraph 10(3) to substitute a date has previously been exercised in relation to that order.
 - (3ZC) A date substituted under sub-paragraph (3) is to be treated as having been specified in relation to the order under section 177(5).”
- (4) In that Schedule, in paragraph 10 (powers of Crown Court in case of breach)—
- (a) in sub-paragraph (3), for the words from “but may” to the end of the sub-paragraph substitute “but may only amend the order to substitute a later date for that specified under section 177(5) in accordance with sub-paragraphs (3ZA) and (3ZB)”, and
 - (b) after that sub-paragraph insert—
 - “(3ZA) A date substituted under sub-paragraph (3)—
 - (a) may not fall outside the period of six months beginning with the date previously specified under section 177(5);
 - (b) subject to that, may fall more than three years after the date of the order.
 - (3ZB) The power under sub-paragraph (3) to substitute a date may not be exercised in relation to an order if that power or the power under paragraph 9(3) to substitute a date has previously been exercised in relation to that order.
 - (3ZC) A date substituted under sub-paragraph (3) is to be treated as having been specified in relation to the order under section 177(5).”
- (5) In that Schedule, after paragraph 19 insert—

“Extension of order

- 19A (1) The appropriate court may, on the application of the offender or the responsible officer, amend a community order by substituting a later date for that specified under section 177(5).
- (2) A date substituted under sub-paragraph (1)—
- (a) may not fall outside the period of six months beginning with the date previously specified under section 177(5);

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- (b) subject to that, may fall more than three years after the date of the order.
- (3) The power under sub-paragraph (1) may not be exercised in relation to an order if it has previously been exercised in relation to that order.
- (4) A date substituted under sub-paragraph (1) is to be treated as having been specified in relation to the order under section 177(5).
- (5) In this paragraph “the appropriate court” has the same meaning as in paragraph 16.”

67 Breach of community order

- (1) Schedule 8 to the Criminal Justice Act 2003 (breach, revocation or amendment of community order) is amended as follows.
- (2) In paragraph 9 (powers of magistrates’ court in case of breach), in sub-paragraph (1)—
 - (a) in the opening words, for “must” substitute “may”, and
 - (b) after paragraph (a) insert—
 - “(aa) by ordering the offender to pay a fine of an amount not exceeding £2,500;”.
- (3) In that paragraph, after sub-paragraph (3A) insert—
 - “(3B) A fine imposed under sub-paragraph (1)(aa) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.”
- (4) In sub-paragraph (6) of that paragraph, for the words from “be required to” to “or (c),” substitute “have the power to deal with the offender under sub-paragraph (1)(a), (aa), (b) or (c),”.
- (5) In paragraph 10 (powers of Crown Court in case of breach), in sub-paragraph (1)—
 - (a) in the opening words, for “must” substitute “may”, and
 - (b) after paragraph (a) insert—
 - “(aa) by ordering the offender to pay a fine of an amount not exceeding £2,500;”.
- (6) In that paragraph, after sub-paragraph (3A) insert—
 - “(3B) A fine imposed under sub-paragraph (1)(aa) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.”
- (7) After paragraph 11 insert—

“Power to amend amounts of fines

- 11A (1) The Secretary of State may by order amend any sum for the time being specified in paragraph 9(1)(aa) or 10(1)(aa).
- (2) The power conferred by sub-paragraph (1) may be exercised only if it appears to the Secretary of State that there has been a change in the value of money since the relevant date which justifies the change.

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- (3) In sub-paragraph (2), “the relevant date” means—
- (a) if the sum specified in paragraph 9(1)(aa) or 10(1)(aa) (as the case may be) has been substituted by an order under sub-paragraph (1), the date on which the sum was last so substituted;
 - (b) otherwise, the date on which section 67 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (which inserted this paragraph) came into force.
- (4) An order under sub-paragraph (1) (a “fine amendment order”) must not have effect in relation to any community order made in respect of an offence committed before the fine amendment order comes into force.”