

SCHEDULES

SCHEDULE 16

DEALING NON-CUSTODIALLY WITH OFFENDERS

PART 1

COMMUNITY ORDERS: PUNITIVE ELEMENTS

- 2 In section 177 (community orders) after subsection (2) insert—
- “(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.”