

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 3,191 of 12th October, 2000**

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I ASSENT,

DAVID DURIE,

GOVERNOR.

12th October, 2000.



**GIBRALTAR**

**No. 13 of 2000**

**AN ACT** to amend the Criminal Procedure Act to provide for  
Community Service Orders as an alternative punishment for offences.

**E**NACTED by the Legislature of Gibraltar.

**Title and commencement.**

1. This Act may be cited as the Criminal Procedure (Community Service Orders) Act 2000 and comes into operation on the day appointed by the Minister for Social Affairs by notice in the Gazette.

**Amendments to the Criminal Procedure Act.**

2. The Criminal Procedure Act is amended by inserting the following after section 219–

*“Community service orders*

**Community service orders.**

219A. (1) Where a person of sixteen years or more is convicted of an offence punishable with imprisonment, the court by or before which he was convicted may, if the convicted person consents, make a community service order requiring him to perform unpaid work in accordance with section 219B.

(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 aggregate not less than 40 and, subject to subsection (8)(g), not more than 240.

(3) The court shall not make a community service order unless it is satisfied–

- (a) after hearing (if the court thinks it necessary) an officer of the Social Services Agency, that the person is suitable to perform work under the order; and
- (b) that there is provision for him to perform work under the order.

(4) On making a community service order the court shall assign an officer of the Social Services Agency (in this section and sections 219B and 219C referred to as “the relevant officer”) to supervise the carrying out of the order; the Head of Operations of the Social

Services Agency may at any time thereafter assign a different person to be the relevant officer.

(5) Where a court makes a community service orders in respect of two or more offences by the person, 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 the total number of hours shall not exceed 240.

(6) Before making a community service order the court shall explain to the person—

- (a) the purpose and effect of the order and in particular the requirements of the order set out in section 219B;
- (b) the consequences which may follow if the person fails to comply with any of the requirements of the order as set out in section 219C;
- (c) that the court may review the order on the application of the person or the relevant officer.

(7) The court making a community service order shall immediately give a copy of it to the person and to the relevant officer.

(8) Nothing in subsection (1) shall be construed as preventing a court making a community service order from also-

- (a) making an order for costs;
- (b) making a compensation order;
- (c) imposing a disqualification from driving;
- (d) making a forfeiture order;
- (e) making a restitution order;
- (f) ordering the person to be of good behaviour; or

- (g) making a probation order, but in such a case the number of hours of unpaid work to be performed under the community service order shall be not more than 100.

**Obligations under a community service order.**

219B. (1) A person in respect of whom a community service order is in force shall—

- (a) keep in touch with the relevant officer in accordance with any instructions given to him by that officer, and notify that officer 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) The work required to be performed under a community service order shall be performed within a period of twelve months beginning with the date of the order and, unless revoked, the order shall remain in force until the person has worked under it for the number of hours specified in it.

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

**Review and Consequences of breach of community service order.**

219C. The court which made a community service order in respect of a person may—

- (a) review the order on application of the relevant officer or the person;

- (b) if the person fails to comply with any of the requirements of the order–
    - (i) impose a fine up to level 3 on the standard scale and provide for the order to continue; or
    - (ii) revoke the order and deal with the person as if he had just been convicted of the offence in respect of which the order was made.”.
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Passed by the Gibraltar House of Assembly on the 9th day of October, 2000.

D. J. REYES,

Clerk to the Assembly.