

CHAPTER 115

THE COMMUNITY SERVICE ACT.

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CHAPTER 115

THE COMMUNITY SERVICE ACT.

Commencement: See section 1.

An Act to provide for and regulate community service for offenders in certain cases and to provide for related matters.

PART I—PRELIMINARY.

1. Commencement.

This Act shall come into force on such date as the Minister may, by statutory instrument appoint.

2. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “community service” means noncustodial punishment by which after conviction the court, with the consent of the offender, makes an order for the offender to serve the community rather than undergo imprisonment;
- (b) “community service order” means an order made under this Act requiring an offender to perform work within the community for a specified period of time;
- (c) “community service period” means the period for which an offender is to perform work under the community service order;
- (d) “court” means the High Court or a subordinate court;
- (e) “currency point” has the meaning assigned to it in the Schedule to this Act;
- (f) “Minister” means the Minister responsible for internal affairs;
- (g) “minor offence” means an offence for which the court may pass a sentence of not more than two years imprisonment;
- (h) “national committee” means the national committee on community service established by section 10;
- (i) “offender” means a person who has been ordered to undergo community service;
- (j) “original court” means the court which tried the offence in relation to which the community service order was made;

- (k) “subsequent court” means the court which tries the offender in relation to an offence committed subsequent to the making of the community service order;
- (l) “supervising court” means the court which made the community service order and includes a court of similar jurisdiction where the offender might subsequently reside;
- (m) “supervising officer” means an officer appointed by the court to supervise the offender during the community service.

PART II—COMMUNITY SERVICE ORDERS.

3. Community service.

(1) Where a person is convicted of a minor offence, the court may, instead of sentencing that person to prison, make a community service order.

(2) Before passing a community service order, the court shall consider the circumstances, character and antecedents of the offender and ask him or her whether he or she consents to the order.

(3) Before passing a community service order, the court shall explain to the offender in the language he or she understands, the effect of the order and that if he or she fails in any respect to comply with it, he or she may be liable to be sentenced to such term of imprisonment as the court could have imposed in respect of the offence.

4. Duration and requirements of community service order.

(1) The community service order shall be performed for a period of not more than six months, and the offender shall not work for more than eight hours a day.

(2) The offender shall be under the supervision of the supervising officer named in the community service order.

(3) The community service order shall contain such requirements as the court may consider necessary for the supervision of the offender.

(4) The court making the community service order shall give to the supervising officer a copy of the order together with any other documents and information relating to the case.

5. Breach of requirement of community service order.

(1) If at any time during the community service period, the offender fails to comply with the requirements of the community service order, the court may issue a summons requiring the offender to appear before it.

(2) The court shall not issue any summons requiring the offender to appear before it except on report by the supervising officer.

(3) If the offender does not appear in obedience to the summons, the supervising court may issue a warrant of arrest.

(4) If it is proved to the satisfaction of the supervising court that the offender has failed to comply with any of the requirements of the community service order, the court may either—

- (a) vary the order to suit the circumstances of the case;
- (b) impose on him or her a fine not exceeding three currency points;
- or
- (c) cancel the order and sentence the offender to any punishment which could have been imposed in respect of the offence and, if the court thinks fit, reduce the sentence taking into account community service already performed.

(5) If a supervising officer employs the offender for his or her personal benefit, the officer commits an offence and is liable on conviction to a fine not exceeding ten currency points.

6. Commission of further offence.

Where an offender has been ordered to undergo community service on conviction by an original court but has been sentenced to imprisonment by a subsequent court for another offence committed during the period of community service, the following rules shall apply—

- (a) the subsequent court may add to the sentence imposed a further term of imprisonment which might have been passed by the original court and cancel the order of community service;
- (b) the subsequent court may take into account the period of community service served in reduction of the additional imprisonment;
- (c) where the original court was the High Court and the subsequent

court is a subordinate court, the subordinate court shall send the copy of the proceedings to the High Court; and on receipt of the proceedings from the subordinate court, the High Court shall proceed under paragraphs (a) and (b) of this section as if it were the subsequent court;

- (d) where the original court was a subordinate court and the subsequent court is the High Court dealing with the matter at first instance or on appeal or otherwise, the High Court shall proceed under paragraphs (a) and (b) of this section;
- (e) where both the original court and the subsequent court are subordinate courts, the subsequent court shall proceed under paragraphs (a) and (b) of this section;
- (f) where a subsequent court has convicted the offender of an offence, that court may pass the sentence other than imprisonment and order the offender to continue undergoing community service.

PART III—AMENDMENT, REVIEW AND DISCHARGE OF COMMUNITY
SERVICE ORDER.

7. Amendment of community service order.

(1) An offender who intends to change his or her place of residence shall inform the supervising officer of his or her intention to do so.

(2) On receipt of the information, the supervising officer or body shall inform the supervising court of the information giving the details connected with the case.

(3) The supervising court shall make appropriate amendments in the community service order and inform the court having jurisdiction for the area where the offender intends to go.

(4) The court shall give the offender a copy of the amended community service order which the offender is required to present to the new supervising court.

(5) Where an offender commits an offence outside his or her usual area of residence, the community service order shall be enforced in his or her usual area of residence.

8. Discharge of community service order.

(1) Where an offender has been ordered to undergo community service for a period of more than four months, the supervising officer shall give a report to the supervising court concerning the offender's performance and general conduct.

(2) The supervising court, based on the report made by the supervising officer, may reduce the period of the community service specified in the community service order by not more than one-third where the offender is of good conduct.

(3) The supervising officer shall make a report to the court on the termination of a community service order.

PART IV—ARRANGEMENTS FOR COMMUNITY SERVICE.

9. Arrangements for community service.

(1) The Minister shall from time to time notify the Chief Justice in writing in which places and in which areas arrangements exist for the courts to make community service orders.

(2) The supervising officer who is to be responsible for the supervision of an offender shall be the officer for the district or area for the time being named in the order in which the offender resides, or will reside, and if that supervising officer dies or is unable for any reason to carry out his or her duties, another supervising officer shall be appointed by the supervising court.

(3) Where the offender is a female, the supervising officer shall be female.

10. Community service committee.

(1) There shall be a national community service committee.

(2) The national committee shall be a body corporate with perpetual succession and a common seal, and with power to sue and be sued in its corporate name and to do or suffer to be done all things which may be or are suffered by a corporate body.

- (3) The national committee shall consist of the following—
- (a) a judge nominated by the Chief Justice;
 - (b) the chairperson of the Uganda Law Reform Commission or his or her representative;
 - (c) the Director of Public Prosecutions or his or her representative;
 - (d) the Permanent Secretary of the Ministry responsible for internal affairs or his or her representative;
 - (e) the Commissioner of Prisons or his or her representative;
 - (f) the Inspector General of Police or his or her representative;
 - (g) the commissioner for child care and protection;
 - (h) the commissioner for local government, (local councils department);
 - (i) a representative of nongovernmental organisations appointed by the Minister;
 - (j) two representatives of the public appointed by the Minister.

(4) There shall be a secretary to the national committee who shall be appointed by the Minister.

(5) The judge nominated under subsection (3)(a) shall be the chairperson of the national committee and shall hold office for three years but shall be eligible for renomination.

(6) The chairperson shall preside at all meetings of the national committee, and in the absence of the chairperson at any meeting of the national committee, the members present shall elect one of their number to preside.

(7) The Minister may for good cause revoke the appointment of a person appointed under subsection (3)(i) or (j).

- (8) The functions of the national committee shall be—
- (a) to monitor the operation of community service in all its aspects and to liaise and communicate with any office or persons responsible for the matter in issue;
 - (b) to propose measures for effective operation of community service;
 - (c) to receive and consider any complaints or views and make recommendations where possible on the nature of community service by the offender;

- (d) to supervise the work of the supervising officer and in that regard to coordinate its activities with the supervising courts;
- (e) to undertake any other function required of it under any law for the proper implementation of this Act.

(9) The committee shall have district committees whose composition and functions shall be as specified by the Minister in consultation with the national committee and the district council executive committee.

11. Regulations and guidelines.

- (1) The Minister may make regulations prescribing—
 - (a) the duties of the supervising officers;
 - (b) in consultation with the national committee and the district council executive committee, the composition and functions of the district community service committees;
 - (c) any other matters that are necessary for the proper implementation of this Act;
 - (d) any forms necessary for the purposes of this Act.

(2) The Minister may also issue guidelines as to the categories of persons suitable to be appointed as supervising officers and the nature of work considered suitable for community service and in respect of any matter which appears to the Minister necessary for the proper implementation of this Act.

12. Minister to amend Schedule.

The Minister may, by statutory instrument, with the approval of the Cabinet, amend the Schedule to this Act.

13. Transitional provision.

Notwithstanding any provision of this Act, all offenders serving punishment of imprisonment imposed on them within the last six months before the coming into force of this Act may be allowed to apply for community service if otherwise eligible.

Schedule.

s. 2.

Currency point.

A currency point is equivalent to twenty thousand Uganda shillings.

History: Act 5/2000.
