

COMMUNITY SERVICE BILL, 2026

MEMORANDUM

The objects of the Bill are to establish a National Community Service Secretariat and to provide for community service as an alternative to custodial sentence for persons convicted of specified categories of offences.

The Ministry of the Interior is committed to the implementation of non-custodial sentencing, one of the key deliverables that would assist in reducing the financial burden on Government resulting from the maintenance of prisons in the country.

The Prisons Service has over the years been faced with the challenge of overcrowding in prison facilities. Furthermore, the Service does not have adequate budgetary allocation to meet the huge medical bills and feeding cost of prison inmates and the general maintenance of the prisons in the country.

To address these challenges, the Ministry of the Interior, with support from the United Nations International Children's Emergency Fund (UNICEF), initiated the process for the development of a non-custodial sentencing policy in 2014. The policy underwent reviews following the advice from the Office of the Attorney-General and Ministry of Justice and inputs from Cabinet and other stakeholders. This was followed by the development of the Bill, first by a Technical Working Group constituted by the Ministry of the Interior in collaboration with UNICEF and, subsequently, by a consultant engaged by a non-profit organisation that has interest in prison development, Perfector of Sentiments (POS).

Furthermore, the Ministry of the Interior, in collaboration with the Ghana Prisons Service and POS, organised consultations on the Bill. Through these consultations, the Bill was retitled as "Community Service Bill" from the original short title "Non-Custodial Sentencing Bill". Further inputs were made to the Bill in the consultative process.

The Bill seeks to give effect to provisions on non-custodial sentencing under the Criminal and Other Offences (Procedure) Act, 1960 (Act 30) and the Interpretation Act, 2009 (Act 792).

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Clauses 1 to 3 deal with the National Community Service Secretariat. *Clause 1* provides for the establishment of the National Community Service Secretariat under the Ministry of the Interior. The *clause* mandates the Ministry of the Interior to provide facilities and staff for the performance of the functions of the Secretariat.

Clause 2 provides for objects of the Secretariat, which are to ensure high standards in the practice of alternative custodial sentencing, develop a means of reducing the use of imprisonment as a sanction, and enhance the use of non-custodial sanctions to encourage rehabilitation and social reintegration and take into account the interest of the victim in the community.

To achieve the objects of the Secretariat under *clause 2*, the Secretariat is mandated, under *clause 3*, to monitor the implementation of community service, liaise with and co-ordinate, direct and supervise the activities of probation officers, propose measures for the efficient and effective operation of community service and receive and consider complaints from the public and solicit views and recommendations on the efficient and effective implementation of community service. The *clause* also requires the Secretariat to take measures that are necessary to implement the national policy on community service orders, undertake educational activities aimed at the sensitisation of criminal justice agencies and the general public on the role and purpose of community service and the enforcement of community service orders, advise the Minister on measures to ensure the enforcement of community service orders by the courts, advise the Minister on agreements required to be executed with third parties for the provision of services to convicted persons, manage and monitor the implementation of the Bill and perform any other function that is necessary for the attainment of the objects of the Secretariat.

Clauses 4 to 13 deal with the National Community Service Management Board. *Clause 4* establishes the National Community Service Management Board.

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Clause 5 provides for composition of the Management Board. The Management Board consists of a Justice of the Superior Court of Judicature, nominated by the Chief Justice as the chairperson; the Director-General of the Prisons Service or a representative of the Director-General of the Prisons Service not below the rank of an Assistant Director of Prisons nominated by the Director-General of Prisons Service, as the vice chairperson, the Inspector-General of Police or a representative of the Inspector-General of Police not below the rank of an Assistant Commissioner of Police nominated by the Inspector-General of Police, the Director of Public Prosecutions or a representative of the Director of Public Prosecutions not below the rank of a Chief State Attorney nominated by the Director of Public Prosecutions and the Director of Social Welfare or a representative of the Director of Social Welfare not below the rank of a Deputy Director nominated by the Director of Social Welfare.

Other members of the Management Board are a representative each of the Ministry of the Interior not below the rank of a Director, nominated by the Minister, civil society organisations working in the area of access to Justice nominated by the Minister, the Ministry of Local Government and Rural Development not below the rank of a Director, nominated by the Minister responsible for Local Government and Rural Development, the Head of Service of the Office of the Local Government Service not below the rank of a Director nominated by the Head of Service, the Comptroller-General not below the rank of a Deputy Comptroller of the Immigration Service, nominated by the Comptroller-General and the Chief Fire Officer not below the rank of a Director of the Ghana National Fire Service nominated by the Chief Fire Officer.

The Executive Director of Legal Aid Commission or a representative of the Executive Director of Legal Aid Commission not below the rank of a Director nominated by the Executive Director of Legal Aid Commission and the National Coordinator of the Secretariat are also members of the Management Board.

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The Minister is mandated to appoint the members of the Management Board, on the authorisation in writing of the President.

The Management Board is to ensure the efficient and effective performance of the functions of the Secretariat, *clause 6*. *Clause 7* provides for duties and liabilities of a member of the Management Board. Under the *clause*, a member of the Management Board has the same fiduciary relationship with the Secretariat and the same duty to act with loyalty and in good faith as a director of a company incorporated under the Companies Act, 2019 (Act 992).

The standard provisions on the tenure of office of members of the Management Board, meetings of the Management Board, disclosure of interest, establishment of committees of the Management Board, allowances to be paid to members of the Management Board and policy directives are provided for under *clauses 7, 8, 9, 10, 11, 12 and 13* respectively.

Clauses 14 to 16 deal with a Regional Community Service Committee. *Clause 14* provides for the establishment of a Regional Community Service Committee. Under the *clause*, the Secretariat is required to establish a Regional Community Service Committee in each region as the Secretariat considers necessary. The members of a Regional Community Service Committee are a supervising Justice of the High Court responsible for the region or a representative of the supervising Justice of the High Court responsible for the region, as the chairperson, a representative of the Office of the Attorney-General not below the rank of a Senior State Attorney nominated by the Attorney-General, the Regional Commander of Prisons or a representative of the Regional Commander of Prisons not below the rank of a Superintendent of Prisons nominated by the Regional Commander of Prisons, the Regional Commander of Police or a representative of the Regional Commander of Police not below the rank of a Superintendent of Police nominated by the Regional Commander of Police, the Regional Commander of the Immigration Service or a representative of the Regional Commander of the Immigration Service not below the rank of a Superintendent of Immigration nominated by the Regional Commander of the Immigration

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Service, the Regional Commander of the Ghana National Fire Service or a representative of the Regional Commander of the Ghana National Fire Service not below the rank of an Assistant Chief Fire Officer II nominated by the Regional Commander of the Ghana National Fire Service, the Regional Director of the Commission on Human Rights and Administrative Justice, the Head of the Regional office of the Legal Aid Commission or a representative of the Head of the Regional office of the Legal Aid Commission not below the rank of a Principal Legal Aid Officer nominated by the Head of the Regional office of the Legal Aid Commission and the Regional Director of Social Welfare as the Regional Coordinator of the Secretariat.

The members of the Regional Community Service Committee are to be appointed by the Minister, in consultation with the relevant Regional Minister.

Clause 15 provides for the tenure of office of members of a Regional Community Service Committee.

The functions of a Regional Community Service Committee are set out under *clause 16*. A Regional Community Service Committee is required to monitor the implementation of community service at the regional level; liaise with, coordinate, direct and supervise the activities of probation officers in the region; propose measures for the effective operations of community service and receive and consider complaints from the public. A Regional Community Service Committee is also required to solicit views and recommendations on the effective and efficient implementation of community service in the region and sensitise the public on the role and purpose of community service and the enforcement of community service orders.

A District Community Service Committee is dealt with under *clauses 17 to 20*. *Clause 17* deals with the establishment of a District Community Service Committee. The *clause* mandates the Secretariat to establish a District Community Service Committee in each district as the Secretariat considers necessary. The members of a District Community Service

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Committee comprise a Judge or Magistrate nominated by the Chief Justice as the chairperson; the District Commander of Police; the District Commander of the Immigration Service; the District Commander the Ghana National Fire Service; a representative of the Regional Commander of Prisons not below the rank of a Deputy Superintendent of Prisons, nominated by the Regional Commander of Prisons; a representative of the Department of Social Welfare not below the rank of a Senior Social Development Officer, nominated by the Regional Director of Social Welfare and a representative of the Office of the Attorney-General not below the rank of a Senior State Attorney, nominated by the Attorney-General.

Other members of the District Community Service Committee are a representative of the Legal Aid Commission not below the rank of a Senior Legal Aid Officer nominated by the Head of the Regional office of the Legal Aid Commission, the chairperson of the Social Services Sub-Committee of the District Assembly, a representative of a civil society organisation nominated by the Head of Social Welfare and Community Development at the District and a representative of the traditional authority concerned nominated by the Regional House of Chiefs.

The representative of the Department of Social Welfare on the District Community Service Committee is the District Coordinator of the Secretariat. The members of a District Community Service Committee are to be appointed by the District Chief Executive.

Clause 18 provides for the tenure of office of members of District Community Service Committee. A member of a District Community Service Committee is required to hold office for a term of four years and is eligible for re-appointment for another term only. The four-year tenure, however, does not apply to the District Coordinator of the Secretariat and a person who is a member of the Committee by virtue of office.

Clause 19 provides for the functions of a District Community Service Committee. The functions of a District Community Service

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Committee are identifying placement institutions in the district for the placement of convicted persons; supervising, monitoring and evaluating the implementation of community service in the locality of the District Community Service Committee; embarking on public education, campaign and sensitisation programmes on the benefits of community service and promoting the implementation of community service and advising the Secretariat on strategies for the implementation of community service within the locality of the District Community Service Committee and proposing solutions to address setbacks.

A District Community Service Committee is also responsible for periodically visiting placement institutions and monitoring the performance of community service orders by convicted persons, coordinating and supervising activities of probation officers within the district, submitting monthly reports to the Regional Coordinator and performing any other function assigned by the Secretariat.

Clause 20 provides for the meetings of a District Community Service Committee. A District Community Service Committee is mandated to meet at least once every two months for the conduct of business at a time and place determined by the chairperson. The chairperson is required to, at the request in writing of not less than one-third of the membership of the District Community Service Committee, convene an extraordinary meeting of the District Community Service Committee, at the time and place determined by the chairperson. The District Community Service Committee is mandated to regulate the procedure for the meetings of the District Community Service Committee, subject to this section.

Clauses 21 to 24 deal with administrative provisions. *Clause 21* provides for the National Coordinator for the Secretariat, who is to be appointed by the President in accordance with article 195 of the Constitution. The National Coordinator is to hold office on the terms and conditions specified in the letter of appointment.

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A person is qualified for appointment as the National Coordinator if the person is of proven integrity and has the requisite knowledge and expertise in social work and the criminal justice system.

Clause 22 provides for the functions of the National Coordinator. The National Coordinator is responsible for the day-to-day administration of the Secretariat and is required to ensure the implementation of the decisions of the Management Board, prepare and submit to the Management Board, quarterly and annual reports covering the activities of the Secretariat, monitor community service activities in the country and perform any other function assigned by the Management Board.

The National Co-ordinator is empowered under the *clause* to delegate a function to an officer of the Secretariat but is not relieved of the ultimate responsibility for the performance of the delegated function.

Clause 23 provides for staff of the Secretariat. Under the *clause*, the President is required to, in accordance with article 195 of the Constitution, appoint officers necessary for the efficient and effective performance of the functions of the Secretariat. The *clause* allows other public officers to be transferred or seconded to the Secretariat or to give assistance to the Secretariat. The Secretariat is also permitted to engage the services of consultants on the recommendation of the Management Board.

The standard provision on an Internal Audit Unit is provided for under *clause 24*.

Clauses 25 to 28 deal with financial provisions. *Clause 25* provides for funds of the Secretariat. The funds of the Secretariat include moneys approved by Parliament, moneys accruing to the Secretariat in the performance of the functions of the Secretariat and donations, grants and gifts.

Clause 26 provides for a bank account. Under the *clause*, the moneys for the Secretariat are required to be paid into a bank account opened for

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the purpose by the Management Board with the approval of the Controller and Accountant-General.

Standard provisions on accounts and audit and annual report and other reports are dealt with in *clauses* 27 and 28 respectively.

Clauses 29 to 35 deal with the Rehabilitation Fund. *Clause* 29 establishes the Rehabilitation Fund.

The object of the Fund is provided for under *clause* 30. The fund is to provide financial resources for the rehabilitation of convicted persons.

Clause 31 provides for the sources of moneys for the Fund which are moneys accrued from the provision of services by convicts to third parties and any other moneys that the Minister with the approval of Parliament may determine.

Clause 32 provides for a bank account for the Fund. Moneys for the Fund are to be paid into a bank account opened for that purpose by the Management Board with the approval of the Controller and Accountant-General.

The administration of the Fund is to be done by the Management Board under *clause* 33. Additionally, *clauses* 27 and 28 on accounts and audit and annual report and other reports apply to the Fund.

Under *clause* 34, the administrative expenses of the Fund are to be a charge on the Fund.

Clause 35 requires the Fund only to be used to promote the objects of the Fund.

Clauses 36 to 38 deal with probation officers and supervising officers. *Clause* 36 provides for the designation of a probation officer of the Department of Social Welfare as a probation officer for the efficient and effective performance of functions of the Secretariat at the districts.

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The functions of a probation officer are specified in *clause 37*. Under the *clause*, a person who is appointed or designated as a probation officer is mandated to coordinate the activities of a District Community Service Committee in relation to community service orders and conduct enquiries into circumstances of convicted persons and report findings to the courts in the prescribed form. The probation officer is also mandated to, in consultation with heads of public institutions within the district and community, identify suitable placements for convicted persons.

Other functions of a probation officer are to provide a convicted person with orientation on the goals of community service and liaise with the court to assign a convicted person to a placement institution to undertake community service, advise the court on the appointment of a public officer within a placement institution as a supervising officer, ensure that a convicted person complies with a community service order, facilitate reconciliation between a convicted person and the community and ensure that safety conditions are satisfactory for both the community and a convicted person serving a community service order.

A probation officer is also required to sensitise the community on the implementation and benefits of community service, keep an up-to-date record of the performance of a convicted person who is under the supervision of a probation officer and submit monthly reports on the progress of the enforcement of community service orders by convicted persons, to the courts and the District Coordinator on or before the fifth day of the ensuing month.

A probation officer is required, in the performance of functions, to maintain confidentiality of information on or relating to a convicted person, not to discriminate against a convicted person and exhibit high moral character and integrity.

Under *clause 38*, the court is mandated to, in consultation with the District Community Service Committee and on the advice of the probation officer within the jurisdiction of the court, appoint a supervising officer. A supervising officer is, in the performance of functions, bound

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by the terms of the community service order and any instructions that the court may give, directly responsible to the court and the probation officer concerned and required to exhibit high moral character and integrity.

Clauses 39 to 42 deal with community service. Clause 39 provides for community service as an alternative punishment in a conviction for a minor offence or an offence specified in clause 40.

Clause 40 provides for the application of a community service order to an offence punishable by a term of imprisonment not exceeding three years. The clause empowers the court to make a community service order in respect of an accused person who has been convicted of an offence under an enactment which provides as punishment for the offence a fine only, a fine with the option of a term of imprisonment or a fine and a term of imprisonment.

Offences that are excluded from community service are covered under *clause 41*. The *clause* prohibits a court from making a community service order in respect of an offence that is unsuitable for summary determination in accordance with section 179 of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30).

Under *clause 42*, the Minister is required to, on the advice of the Secretariat, notify the Chief Justice of the districts or communities in the country where arrangements have been made and structures have been put in place for the enforcement of community service orders.

Clauses 43 to 49 deal with community service orders. Clause 43 provides that a court which decides to make a community service order is to direct a probation officer to conduct a social enquiry into the case and report to the court the findings of the social enquiry.

Clause 44 sets out the conditions for making a community service order. The clause sets out matters that a court that decides to make a community service order should have regard to and the prerequisites for making a community service order. The clause prohibits the court from

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making a community service order in respect of a convicted person unless that convicted person is present in court and the court is satisfied that arrangements exist for the enforcement of the community service order and the convicted person has the capacity to perform community service.

Clause 45 provides for power to make a community service order. A court is empowered to make a community service order where the court is satisfied that the conditions for making a community service order have been met.

Clause 46 provides for the nature and type of community service. A court is required to, after consultation with a probation officer, determine the nature and type of community service to be imposed on a convicted person in respect of whom a community service order is to be made. A court is required to have regard to the health status of the convicted person in determining the nature and type of community service to be imposed on a convicted person.

Concurrent community service orders are provided for under *clause 47*. Under the *clause* a community service order in respect of two or more offences for which an accused person has been convicted is required to run concurrently with any other order.

Clause 48 provides for a suspended sentence in default of community service. A court is empowered to suspend the community service for a period that the court may determine, where a convicted person in respect of whom a court has made a community service order fails to comply with the order.

Clause 49 provides for a register of community service. A probation officer is mandated under the *clause* to keep and maintain a register of convicted persons who perform community service.

Clauses 50 and 51 deal with the enforcement of a community service order. *Clause 50* provides for a convicted person in respect of whom a

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community service order is made to perform the community service indicated in the community service order for the number of hours specified in the order under the supervision of the supervising officer named in the community service order. A community service order is required to be for a period of not less than four hours and not more than eight hours in a day and not more than six months.

The obligations of a convicted person subject to a community service order are provided for under *clause* 51. Under the *clause*, a person who is subject to a community service order is mandated to report to the supervising officer named in the order for the purpose of being assigned a community service at a time and in the place specified by the court in the community service order, perform for the period and time and in the place specified in the community service order, any community service assigned by the supervising officer in accordance with the terms of the order. The person subject to a community service order is also to report to the supervising officer or probation officer any change in circumstances which occurs after the sentencing and which can affect the performance of the community service, within seven days after the change and information initially provided to the court before the order was given by the court and refrain from committing another offence during the subsistence of the order.

Clauses 52 and 53 deal with the breach of a community service order. *Clause* 52 provides for the issue of a summons and a warrant. The court which made a community service order or under whose jurisdiction the convicted person performs the community service is mandated under the *clause* to, on application by the supervising officer or probation officer, issue a summons to that convicted person directing the convicted person to appear before the court on a date and at the time that the court may direct, where the convicted person during the period of community service fails to comply with the requirements of a community service order.

Clause 53 sets out the consequences for a breach of a community service order.

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Clauses 54, 55 and 56 deal with a subsequent offence committed during a period of community service. Clause 54 provides for the commission of subsequent offence. Where a convicted person who is sentenced by a court to perform a community service commits another offence during the period of the performance of the community service and that person is convicted by the same court or another court, the court is empowered to impose a further community service order in respect of the subsequent offence or to impose a term of imprisonment in respect of the subsequent offence.

The procedure before a different court is set out under clause 55, while clause 56 provides for the procedure before a court of coordinate jurisdiction.

Clauses 57 to 59 deal with a review and a revocation of community service order. Clause 57 provides for a review of a community service order. Subject to clauses 50 and 51, a convicted person is empowered to appeal against a community service order made against the convicted person. A convicted person is, however required to inform the supervising officer or probation officer who is mandated to record the request of the convicted person for appeal in the prescribed form. The clause also sets out the appeal process.

Clause 58 provides for a change in residence of a convicted person. Under the clause, where an application for review of a community service order under clause 57 results in a change in residence of the convicted person, the supervising court is required, after a review of the order, to inform the court that has jurisdiction in the locality where the convicted person intends to reside of the change in residence, cause copies of the community service order to be presented to the court within whose jurisdiction the convicted person will reside and proceed to appoint a probation officer and supervising officer for the convicted person in the new locality.

Clause 59 provides for the revocation of a community service order. Under the clause, a court other than a supervising court, which makes a

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community service order, is permitted on application of a probation officer or a supervising officer, to revoke a community service order and impose a sentence that the court could have imposed in respect of the offence charged, if the court considers it to be in the interest of justice to do so having regard to the circumstances of the convicted person.

Clause 60 deals with the discharge of a convicted person under a community service order. The *clause* requires a probation officer who is in charge of a convicted person who has been sentenced to perform community service to submit to the supervising court in the prescribed form an inception report, within five days after the commencement of the community service by the convicted person and a completion report, within three days after completion of the community service by the convicted person. The reports submitted are to cover the performance of the community service by the convicted person and the general conduct of the convicted person during the performance of the community service.

The *clause* mandates the Judge of the supervising court to, within seven days after the date of receipt of the reports, hold a conference with the probation officer in respect of the reports received and to discharge the convicted person, if the Judge is satisfied that the convicted person has satisfactorily completed the community service which the convicted person was sentenced to perform. The *clause* also empowers the Judge of the supervising court to re-order the convicted person to perform the community service which the convicted person was sentenced to perform, if the Judge is not satisfied that the convicted person has satisfactorily performed the community service.

Clauses 61 to 66 deal with miscellaneous provisions. *Clause 61* empowers the Minister to issue guidelines, on the recommendation of the Secretariat, for the effective and efficient implementation of the Bill.

Clause 62 provides for Regulations. The Minister is empowered under the *clause* to, on the recommendation of the Secretariat, by legislative instrument, make Regulations for the effective and efficient implementation of the Bill.

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The interpretation of words and expressions used in the Bill are covered under *clause* 63. *Clause* 64 deals with consequential amendments while *clause* 65 provides for application of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30).

Finally, transitional matters are provided for under *clause* 66.

MUNTAKA MOHAMMED-MUBARAK, MP.

Minister responsible for the Interior

Date: 22nd January, 2026.

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Community Service Bill, 2026

A
BILL
ENTITLED

COMMUNITY SERVICE ACT, 2026

AN ACT to establish a National Community Service Secretariat, provide for community service as an alternative to custodial sentencing for persons convicted of specified categories of offences and for related matters.

PASSED by Parliament and assented to by the President:

National Community Service Secretariat

Establishment of the National Community Service Secretariat

1. (1) There is established by this Act, the National Community Service Secretariat under the Ministry of the Interior.

(2) The Ministry of the Interior shall provide the facilities and staff for the performance of the functions of the Secretariat.

Objects of the Secretariat

2. The objects of the Secretariat are to

- (a) ensure high standards in the practice of alternative custodial sentencing;

- (b) develop a means of reducing the use of imprisonment as a sanction; and
- (c) enhance the use of non-custodial sanctions to encourage rehabilitation and social reintegration and take into account the interest of the victim in the community.

Functions of the Secretariat

3. To achieve the objects of the Secretariat under section 2, the Secretariat shall

- (a) monitor the implementation of community service;
- (b) liaise with and co-ordinate, direct and supervise the activities of probation officers;
- (c) propose measures for the efficient and effective operation of community service;
- (d) receive and consider complaints from the public and solicit views and recommendations on the efficient and effective implementation of community service;
- (e) take measures that are necessary to implement the national policy on community service orders;
- (f) undertake educational activities aimed at the sensitisation of criminal justice agencies and the general public on the role and purpose of community service and the enforcement of community service orders;
- (g) advise the Minister on measures to ensure the enforcement of community service orders by the courts;
- (h) advise the Minister on agreements required to be executed with third parties for the provision of services to convicted persons;
- (i) manage and monitor the implementation of this Act; and
- (j) perform any other function that is necessary for the attainment of the objects of the Secretariat.

National Community Service Management Board

Establishment of the National Community Service Management Board

4. There is established by this Act the National Community Service Management Board.

Composition of the Management Board

5. (1) The Management Board consists of
- (a) a Justice of the Superior Court of Judicature, nominated by the Chief Justice, as the chairperson;
 - (b) the Director-General of the Prisons Service or a representative of the Director-General of the Prisons Service not below the rank of an Assistant Director of Prisons nominated by the Director-General of the Prisons Service, as the vice chairperson;
 - (c) the Inspector-General of Police or a representative of the Inspector-General of Police not below the rank of an Assistant Commissioner of Police nominated by the Inspector-General of Police;
 - (d) the Director of Public Prosecutions or a representative of the Director of Public Prosecutions not below the rank of a Chief State Attorney nominated by the Director of Public Prosecutions;
 - (e) the Director of Social Welfare or a representative of the Director of Social Welfare not below the rank of a Deputy Director nominated by the Director of Social Welfare;
 - (f) a representative of
 - (i) the Ministry of the Interior not below the rank of a Director, nominated by the Minister;
 - (ii) civil society organisations working in the area of access to Justice nominated by the Minister;
 - (iii) the Ministry responsible for Local Government and Rural Development not below the rank of a Director, nominated by the Minister responsible for Local Government and Rural Development;
 - (iv) the Head of Service of the Office of the Local Government Service not below the rank of a Director nominated by the Head of Service;
 - (v) the Comptroller-General not below the rank of a Deputy Comptroller of the Immigration Service, nominated by the Comptroller-General; and

- (vi) the Chief Fire Officer not below the rank of a Director of the Ghana National Fire Service nominated by the Chief Fire Officer;
- (g) the Executive Director of the Legal Aid Commission or a representative of the Executive Director of the Legal Aid Commission not below the rank of a Director nominated by the Executive Director of the Legal Aid Commission; and
- (h) the National Coordinator of the Secretariat.

(2) The Minister shall, on the authorisation in writing of the President, appoint the members of the Management Board.

Functions of the Management Board

6. The Management Board shall ensure the efficient and effective performance of the functions of the Secretariat.

Duties and liabilities of a member of the Management Board

7. (1) A member of the Management Board has the same fiduciary relationship with the Secretariat and the same duty to act with loyalty and in good faith as a director of a company incorporated under the Companies Act, 2019 (Act 992).

(2) Without limiting subsection (1), a member of the Management Board has a duty to

- (a) act honestly and in the best interest of the Secretariat in the performance of the functions of that member;
- (b) exercise the degree of care and diligence in the performance of the functions of that member that a person in that position would reasonably be expected to exercise in the circumstance;
- (c) avoid making improper use of information acquired by virtue of the position of that member so as to benefit that member or to the detriment of the Secretariat; and
- (d) not abuse the position of the office.

(3) A member of the Management Board who contravenes subsection (1) or (2) commits an offence and is liable on summary

conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units.

(4) Where a court determines that the Secretariat has suffered loss or damage as a consequence of the act or omission of a member, the court may, in addition to imposing a fine, order the person convicted to pay appropriate compensation to the Secretariat.

Tenure of office of members of the Management Board

8. (1) A member of the Management Board shall hold office for a period of four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the National Coordinator of the Secretariat and a person who is a member of the Management Board by virtue of office.

(3) A member of the Management Board may, at any time, resign from office in writing addressed to the President through the Minister.

(4) A member of the Management Board who is absent from three consecutive meetings of the Management Board without sufficient cause ceases to be a member of the Management Board.

(5) The President may, by a letter addressed to a member, revoke the appointment of that member.

(6) Where a member of the Management Board is, for a sufficient reason, unable to act as a member, the chairperson of the Management Board shall determine whether the inability may result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3), (4) or (5) or subsection (2) of section 10,

(b) as a result of a declaration under subsection (6), or

(c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy for the unexpired tenure of office of that member.

Meetings of the Management Board

9. (1) The Management Board shall meet at least once every quarter for the conduct of business at a time and place determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Management Board, convene an extraordinary meeting of the Management Board, at a time and place determined by the chairperson.

(3) The chairperson shall preside at meetings of the Management Board and in the absence of the chairperson, the vice chairperson shall preside and in the absence of the chairperson and the vice chairperson, a member of the Management Board, other than the National Coordinator, elected by the members present from among their number shall preside.

(4) The quorum at a meeting of the Management Board is seven members of the Management Board.

(5) Matters before the Management Board shall be decided by the majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Management Board may co-opt a person to attend a meeting of the Management Board but that person shall not vote on any matter for decision at the meeting.

(7) Proceedings of the Management Board shall not be affected by reason of a vacancy in the membership of the Management Board or by a defect in the appointment or qualification of a member.

(8) The Management Board shall, subject to this section, regulate the procedure for the meetings of the Management Board.

Disclosure of interest

10. (1) A member of the Management Board who has an interest in a matter for consideration by the Management Board

(a) shall disclose in writing the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) is disqualified from being present at or participating in the deliberations of the Management Board in respect of that matter.

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(2) A member ceases to be a member of the Management Board if that member has an interest in a matter before the Management Board and

- (a) fails to disclose that interest; and
- (b) is present at or participates in the deliberations of the Management Board in respect of that matter.

(3) Without limiting any further cause of action that may be instituted against the member, the Management Board shall recover the benefit derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.

Establishment of committees

11. (1) The Management Board may establish committees consisting of members of the Management Board or non-members or both to

- (a) perform a function of the Management Board; or
- (b) advise the Management Board on a matter referred to the committee by the Management Board.

(2) A committee of the Management Board shall be chaired by a member of the Management Board except where the committee is made up of non-members only.

(3) A committee made up of non-members of the Management Board shall be advisory only.

(4) Section 10 applies to a member of a committee of the Management Board.

Allowances

12. A member of the Management Board and a member of a committee of the Management Board shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

Policy directives

13. The Minister may give directives in writing on matters of policy to the Management Board and the Management Board shall comply.

Regional Community Service Committee

Establishment of a Regional Community Service Committee

14. (1) The Secretariat shall establish a Regional Community Service Committee in each region as the Secretariat considers necessary.

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(2) A Regional Community Service Committee established under subsection (1) consists of

- (a) a supervising Justice of the High Court responsible for the region or a representative of the supervising Justice of the High Court responsible for the region, as the chairperson;
- (b) a representative of the Office of the Attorney-General not below the rank of a Senior State Attorney nominated by the Attorney-General;
- (c) the Regional Commander of Prisons or a representative of the Regional Commander of Prisons not below the rank of Superintendent of Prisons nominated by the Regional Commander of Prisons;
- (d) the Regional Commander of Police or a representative of the Regional Commander of Police not below the rank of a Superintendent of Police nominated by the Regional Commander of Police;
- (e) the Regional Commander of the Immigration Service or a representative of the Regional Commander of the Immigration Service not below the rank of a Superintendent of Immigration nominated by the Regional Commander of the Immigration Service;
- (f) the Regional Commander of the Ghana National Fire Service or a representative of the Regional Commander of the Ghana National Fire Service not below the rank of an Assistant Chief Fire Officer II nominated by the Regional Commander of the Ghana National Fire Service;
- (g) the Regional Director of the Commission on Human Rights and Administrative Justice;
- (h) the Head of the Regional office of the Legal Aid Commission or a representative of the Head of the Regional office of the Legal Aid Commission not below the rank of a Principal Legal Aid Officer nominated by the Head of the Regional office of the Legal Aid Commission; and
- (i) the Regional Director of Social Welfare.

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(3) The Regional Director of Social Welfare is the Regional Coordinator of the Secretariat.

(4) The Minister shall, in consultation with the relevant Regional Minister, appoint the members of the Regional Community Service Committee.

(5) Sections 9, 10 and 12 apply, with the necessary modification, to the Regional Community Service Committee.

Tenure of office of members of a Regional Community Service Committee

15. (1) A member of a Regional Community Service Committee shall hold office for a term of four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Regional Coordinator of the Secretariat and a person who is a member of the Committee by virtue of office.

(3) A member of the Committee may, at any time, resign from office in writing addressed to the Minister.

(4) A member of the Committee who is absent from three consecutive meetings of the Committee without sufficient cause ceases to be a member of the Committee.

(5) The Minister may for a stated reason, by a letter addressed to a member, revoke the appointment of that member.

(6) Where a member of the Committee is, for a sufficient reason, unable to act as a member, the chairperson of the Committee shall determine whether the inability may result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3), (4) or (5) or subsection (2) of section 10,

(b) as a result of a declaration under subsection (6), or

(c) by reason of the death of a member,

the Regional Coordinator shall notify the National Coordinator who shall notify the Minister of the vacancy and the Minister shall, in consultation with the Regional Minister, appoint a person to fill the vacancy for the unexpired tenure of office of that member.

Functions of a Regional Community Service Committee

16. A Regional Community Service Committee shall

- (a) monitor the implementation of community service at the regional level;
- (b) liaise with, coordinate, direct and supervise the activities of probation officers in the region;
- (c) propose measures for the effective operations of community service;
- (d) receive and consider complaints from the public;
- (e) solicit views and recommendations on the effective and efficient implementation of community service in the region; and
- (f) sensitise the public on the role and purpose of community service and the enforcement of community service orders.

District Community Service Committee

Establishment of a District Community Service Committee

17. (1) The Secretariat shall establish a District Community Service Committee in each district as the Secretariat considers necessary.

(2) A District Community Service Committee established under subsection (1) consists of

- (a) a Judge or Magistrate nominated by the Chief Justice as the chairperson;
- (b) the District Commander of Police;
- (c) the District Commander of the Immigration Service;
- (d) the District Commander the Ghana National Fire Service;
- (e) a representative of the Regional Commander of Prisons not below the rank of a Deputy Superintendent of Prisons, nominated by the Regional Commander of Prisons;
- (f) a representative of the Department of Social Welfare not below the rank of a Senior Social Development Officer, nominated by the Regional Director of Social Welfare;
- (g) a representative of the Office of the Attorney-General not below the rank of a Senior State Attorney, nominated by the Attorney-General;

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- (h) a representative of the Legal Aid Commission not below the rank of a Senior Legal Aid Officer nominated by the Head of the Regional office of the Legal Aid Commission;
- (i) the chairperson of the Social Services Sub-Committee of the District Assembly;
- (j) a representative of a civil society organisation nominated by the Head of Social Welfare and Community Development at the District; and
- (k) a representative of the traditional authority concerned nominated by the Regional House of Chiefs.

(3) The representative of the Department of Social Welfare on the District Community Service Committee is the District Coordinator of the Secretariat.

(4) The members of a District Community Service Committee shall be appointed by the District Chief Executive.

(5) Sections 10 and 12 apply to a District Community Service Committee.

Tenure of office of members of a District Community Service Committee

18. (1) A member of a District Community Service Committee shall hold office for a term of four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the District Coordinator of the Secretariat and a person who is a member of the Committee by virtue of office.

(3) A member of the Committee may, at any time, resign from office in writing addressed to the Regional Coordinator.

(4) A member of the Committee who is absent from three consecutive meetings of the Committee without sufficient cause ceases to be a member of the Committee.

(5) The Regional Coordinator may, by a letter addressed to a member, revoke the appointment of that member.

(6) Where a member of the Committee is, for a sufficient reason, unable to act as a member, the chairperson of the Committee shall determine whether the inability may result in the declaration of a vacancy.

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- (7) Where there is a vacancy
 - (a) under subsection (3), (4) or (5) or subsection (2) of section 10,
 - (b) as a result of a declaration under subsection (6), or
 - (c) by reason of the death of a member,

the District Coordinator shall notify the Regional Coordinator of the vacancy and the Regional Coordinator shall appoint a person to fill the vacancy for the unexpired tenure of office of that member.

Functions of a District Community Service Committee

19. A District Community Service Committee shall perform the following functions:

- (a) identify placement institutions in the district for the placement of convicted persons;
- (b) supervise, monitor and evaluate the implementation of community service in the locality of the District Community Service Committee;
- (c) embark on public education, campaign and sensitisation programmes on the benefits of community service and promote the implementation of community service;
- (d) advise the Secretariat on strategies for the implementation of community service within the locality of the District Community Service Committee and propose solutions to address setbacks;
- (e) periodically visit placement institutions and monitor the performance of community service orders by convicted persons;
- (f) coordinate and supervise activities of probation officers within the district;
- (g) submit monthly reports to the Regional Coordinator; and
- (h) perform any other function assigned by the Secretariat.

Meetings of a District Community Service Committee

20. (1) A District Community Service Committee shall meet at least once every two months for the conduct of business at a time and place determined by the chairperson.

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(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the District Community Service Committee, convene an extraordinary meeting of the District Community Service Committee, at the time and place determined by the chairperson.

(3) The chairperson shall preside at meetings of the District Community Service Committee and in the absence of the chairperson, a member of the District Community Service Committee, other than the District Coordinator of the Secretariat, elected by the members present from among their number shall preside.

(4) The quorum at a meeting of a District Community Service Committee shall include the chairperson.

(5) Matters before the District Community Service Committee shall be decided by the majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The District Community Service Committee may co-opt a person to attend a meeting of the District Community Service Committee but that person shall not vote on any matter for decision at the meeting.

(7) Proceedings of the District Community Service Committee shall not be affected by reason of a vacancy in the membership of the District Community Service Committee or by a defect in the appointment or qualification of a member.

(8) The District Community Service Committee shall, subject to this section, regulate the procedure for the meetings of the District Community Service Committee.

Administrative Provisions

National Coordinator

21. (1) The President shall, in accordance with article 195 of the Constitution, appoint a National Coordinator for the Secretariat.

(2) The National Coordinator shall hold office on the terms and conditions specified in the letter of appointment.

(3) A person is qualified for appointment as the National Coordinator if the person is of proven integrity and has the requisite knowledge and expertise in social work and the criminal justice system.

Functions of the National Coordinator

22. (1) The National Coordinator

- (a) is responsible for the day-to-day administration of the Secretariat;
- (b) shall ensure the implementation of the decisions of the Management Board;
- (c) shall prepare and submit to the Management Board, quarterly and annual reports covering the activities of the Secretariat;
- (d) shall monitor community service activities in the country; and
- (e) shall perform any other function assigned by the Management Board.

(2) The National Co-ordinator may delegate a function to an officer of the Secretariat but is not relieved of the ultimate responsibility for the performance of the delegated function.

Staff of the Secretariat

23. (1) The President shall, in accordance with article 195 of the Constitution, appoint officers necessary for the efficient and effective performance of the functions of the Secretariat.

(2) Other public officers may be transferred or seconded to the Secretariat or may otherwise give assistance to the Secretariat.

(3) The Secretariat may engage the services of consultants on the recommendation of the Management Board.

Internal Audit Unit

24. (1) The Secretariat shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) The Internal Audit Unit shall be headed by an Internal Auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

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(3) The Internal Auditor is responsible for the internal audit of the Secretariat.

(4) The Internal Auditor shall, subject to subsections (3) and (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), at intervals of three months

- (a) prepare and submit to the Management Board, a report on the internal audit carried out during the period of three months immediately preceding the preparation of the report; and
- (b) make recommendations in each report with respect to matters which appear to the Internal Auditor as necessary for the conduct of the affairs of the Secretariat.

(5) The Internal Auditor shall, in accordance with subsection (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), submit a copy of each report prepared under this section to the Minister and the chairperson of the Management Board.

Financial Provisions

Funds of the Secretariat

25. The funds of the Secretariat include

- (a) moneys approved by Parliament;
- (b) moneys accruing to the Secretariat in the performance of the functions of the Secretariat; and
- (c) donations, grants and gifts.

Bank account

26. The moneys for the Secretariat shall be paid into a bank account opened for the purpose by the Management Board with the approval of the Controller and Accountant-General.

Accounts and audit

27. (1) The Management Board shall keep books, records, returns and other documents relevant to the accounts in the form approved by the Auditor-General.

(2) The Management Board shall submit the accounts of the Secretariat to the Auditor-General for audit at the end of each financial year.

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and

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submit a report to Parliament and forward a copy of the audit report to the Minister and the Management Board.

(4) The financial year of the Secretariat is the same as the financial year of the Government.

Annual report and other reports

28. (1) The Management Board shall, within thirty days after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Secretariat for the year to which the annual report relates.

(2) The annual report shall include

- (a) a copy of the audited account; and
- (b) the report of the Auditor-General.

(3) The Minister shall, within thirty days after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Management Board shall submit to the Minister any other report which the Minister may require in writing.

Rehabilitation Fund

Establishment of the Rehabilitation Fund

29. There is established by this Act a Rehabilitation Fund.

Object of the Fund

30. The object of the Fund is to provide financial resources for the rehabilitation of convicted persons.

Sources of moneys for the Fund

31. The sources of moneys for the Fund are

- (a) moneys accrued from the provision of services by convicted persons to third parties; and
- (b) any other moneys that the Minister with the approval of Parliament may determine.

Bank account for the Fund

32. Moneys for the Fund shall be paid into a bank account opened for that purpose by the Management Board with the approval of the Controller and Accountant-General.

Management of the Fund

33. (1) The Fund shall be administered by the Management Board.

(2) Sections 27 and 28 on accounts and audit and annual report and other reports apply to the Fund.

Administrative expenses of the Fund

34. The administrative expenses of the Fund shall be charged on the Fund.

Restrictions on the use of the Fund

35. The Fund shall only be used to promote the objects of the Fund.

Probation Officers and Supervising Officers

Probation officer

36. For purposes of this Act, a probation officer of the Department of Social Welfare may be designated as a probation officer for the efficient and effective performance of functions of the Secretariat at the districts.

Functions of a probation officer

37. (1) A person appointed or designated as a probation officer shall
- (a) coordinate the activities of a District Community Service Committee in relation to community service orders;
 - (b) conduct enquiries into circumstances of convicted persons and report findings to the courts in the prescribed form;
 - (c) in consultation with heads of public institutions within the district and community, identify suitable placements for convicted persons;
 - (d) provide a convicted person with orientation on the goals of community service;
 - (e) liaise with the court to assign a convicted person to a placement institution to undertake community service;
 - (f) advise the court on the appointment of a public officer within a placement institution as a supervising officer;
 - (g) ensure that a convicted person complies with a community service order;

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- (h) facilitate reconciliation between a convicted person and the community;
 - (i) ensure that safety conditions are satisfactory for both the community and a convicted person serving a community service order;
 - (j) sensitise the community on the implementation and benefits of community service;
 - (k) keep an up-to-date record of the performance of a convicted person who is under the supervision of a probation officer; and
 - (l) submit monthly reports on the progress of the enforcement of community service orders by convicted persons, to the courts and the District Coordinator on or before the fifth day of the ensuing month.
- (2) A probation officer shall, in the performance of functions under subsection (1),
- (a) not discriminate against a convicted person;
 - (b) maintain confidentiality of information on or relating to a convicted person; and
 - (c) exhibit high moral character and integrity.

Supervising officer

38. (1) For the purposes of this Act, the court shall, in consultation with the District Community Service Committee and on the advice of the probation officer within the jurisdiction of the court, appoint as a supervising officer

- (a) an officer of the security services who is stationed within the jurisdiction of the Court;
 - (b) a public officer within a placement institution; or
 - (c) any other person as the court may determine.
- (2) A supervising officer appointed under subsection (1) shall
- (a) oversee the enforcement of community service orders in respect of several convicted persons;

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- (b) personally and directly monitor the performance of the community service specified in a community service order by a convicted person; and
 - (c) submit a report, in the prescribed form, on the supervision of a convicted person, to the probation officer concerned and the court.
- (3) A supervising officer is, in the performance of functions under subsection (2),
 - (a) bound by the terms of the community service order and any instructions that the court may give;
 - (b) directly responsible to the court and the probation officer concerned; and
 - (c) to exhibit high moral character and integrity.

Community Service

Community service as an alternative punishment

39. Where a court convicts an accused person for the commission of a minor offence or any other offence specified in section 40, that court shall, in passing sentence, have regard to the performance of community service by the convicted person as an alternative punishment.

Offences suitable for community service

40. (1) A community service order made under section 45 applies to an offence punishable by a term of imprisonment of not more than three years with or without the option of a fine.

(2) Despite subsection (1), a court may make a community service order in respect of an accused person who has been convicted of an offence under an enactment which provides as punishment for the offence

- (a) a fine only;
- (b) a fine with the option of a term of imprisonment; or
- (c) a fine and a term of imprisonment.

Offences excluded from community service

41. Despite any provision in an enactment, a court shall not make a community service order in respect of an offence that is unsuitable for summary determination in accordance with section 179 of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30).

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Minister to notify Chief Justice of arrangements for community service

42. The Minister shall, on the advice of the Secretariat, notify the Chief Justice in writing of the

- (a) districts or communities in the country where arrangements have been made; and
- (b) structures that have been put in place for the enforcement of community service orders.

Community Service Order

Social enquiry report

43. (1) Where a court determines that a community service order should be made under section 45, that court shall, before making the order, direct a probation officer to

- (a) conduct a social enquiry into the
 - (i) circumstances of the case;
 - (ii) character and antecedents of the convicted person; and
 - (iii) health status of the person; and
- (b) report to the court, the findings of the social enquiry in the prescribed form.

(2) A probation officer shall conduct a social enquiry under subsection (1) in the prescribed manner.

Conditions for making a community service order

44. (1) A court shall, in considering whether to make a community service order, have regard to

- (a) the need to protect the public;
- (b) the prevalence of the offence in question;
- (c) the likelihood of reforming and rehabilitating the convicted person;
- (d) whether the convicted person is a habitual convicted person;
- (e) whether the convicted person understands the effect of the community service order that is to be made;
- (f) whether the convicted person has made any form of reparation to the victim; and
- (g) whether the convicted person has a surety.

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(2) A court shall, before making a community service order, explain to the convicted person in a language that the convicted person understands

- (a) the purpose and effect of the order;
- (b) the obligations of the convicted person under section 51; and
- (c) the consequences specified in section 53 for failure to comply with the order or any of the requirements of the order.

(3) Where a court makes a community service order that court shall within fourteen days make interim orders or give conditions to the convict that are necessary to give effect to the community service order.

(4) Where the court makes a community service order under subsection (3), the court shall send

- (a) a copy of the order to
 - (i) the convicted person;
 - (ii) the probation officer; and
 - (iii) the supervising officer; and
- (b) any other document and information relating to the performance of the order to the supervising officer.

(5) A court shall not make a community service order in respect of a convicted person unless that convicted person is present and the court is satisfied that

- (a) arrangements exist for the enforcement of the community service order; and
- (b) the convicted person has the capacity to perform community service under this Act.

Power to make community service order

45. (1) Where a court is satisfied that the conditions for making a community service order have been met that court may make a community service order directing the convicted person to perform a community service.

(2) A community service order made under subsection (1) shall contain the requirements that the court considers necessary for the supervision of the convicted person.

Nature and type of community service

46. (1) A court shall, after consultation with a probation officer, determine the nature and type of community service to be imposed on a convicted person in respect of whom a community service order is to be made.

(2) A court shall, in determining the nature and type of community service to be imposed on a convicted person, have regard to the health status of the convicted person.

(3) A court shall specify in the community service order, the nature and type of community service to be performed by the convicted person.

Concurrent community service orders

47. Where a court makes a community service order in respect of two or more offences for which an accused person has been convicted, the community service orders shall run concurrently with any other order.

Suspended sentence in default of community service

48. Where a convicted person in respect of whom a court has made a community service order fails to comply with the order, the court may suspend the community service for a period that the court may determine.

Register of community service orders

49. (1) A probation officer shall keep and maintain a register of convicted persons who perform community service.

(2) A register under subsection (1) shall contain

- (a) the particulars of a convicted person who performs a community service;
- (b) the nature and type of the community service to be performed;
- (c) the name of the placement institution;
- (d) the name of the supervising officer; and
- (e) any other relevant information incidental to the community service order.

Enforcement of Community Service Order

Enforcement of community service order

50. (1) Subject to the conditions and requirements that a court may determine in a community service order, a convicted person in respect of whom a community service order is made shall perform the community

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service indicated in the community service order for the number of hours specified in the order.

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

(3) The community service order shall be for a period of

(a) not less than four hours and not more than eight hours in a day; and

(b) not more than six months.

(4) A supervising officer or probation officer shall not employ a convicted person to perform a community service for the personal benefit of that supervising officer or probation officer.

(5) A supervising officer or probation officer who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than six months and not more than twenty-four months or to a community service imposed in accordance with this Act.

(6) Where a supervising officer named in a community service order dies or is for any reason unable to carry out a supervisory duty, the probation officer shall, within seven days of the death or inability to perform the supervisory duty, notify the court in the prescribed form.

(7) A court shall, within seven days from the date of the notification under subsection (6), appoint another supervising officer to continue with the supervision of the convicted person.

(8) A community service order made under this Act shall, unless otherwise revoked, remain in force until the convicted person has completed performance of the community service in accordance with the requirements specified in the community service order.

Obligations of convicted person subject to community service order

51. A convicted person who is subject to a community service order shall

(a) report to the supervising officer named in the order for the purpose of being assigned a community service at a time

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and place that the court shall specify in the community service order;

- (b) perform, for the period specified and at a time and place specified in the community service order, any community service assigned by the supervising officer in accordance with the terms of the order;
- (c) within seven days after any of the following changes occur, report the change to the supervising officer or probation officer
 - (i) a change in circumstances which occurs after the sentencing, and which can affect the performance of the community service; and
 - (ii) a change in information initially provided to the court before the order was given by the court; and
- (d) not commit another offence during the subsistence of the community service order.

Breach of Community Service Order

Issue of summons and warrant

52. (1) Where a convicted person during the period of community service fails to comply with the requirements of a community service order, the court which made the community service order or the court under whose jurisdiction the convicted person performs the community service shall, on application by the supervising officer or probation officer, issue a summons to that convicted person directing the convicted person to appear before the court on a date and at the time that the court may direct.

(2) An application made under subsection (1) shall be supported by a report of the supervising officer indicating the details of the non-compliance.

(3) Where the convicted person fails to appear before the court in the manner indicated by the court in the summons, the court shall issue a warrant of arrest directing that the convicted person be arrested and produced before the court.

Consequences for breach of community service order

53. (1) Where after hearing the parties, the court is satisfied that the convicted person has failed to comply with the requirements of the community service order, the court may

- (a) caution the convicted person noting that the caution shall be given only once and direct the convicted person to comply with the order;
- (b) amend the conditions and requirements of the order;
- (c) vary the order in a manner that the court considers will best ensure the performance of the community service as specified in the order; or
- (d) revoke the order and impose any punishment which could have been imposed on the convicted person as an alternative to the community service order including a term of imprisonment or a fine.

(2) A convicted person whose punishment is varied or revoked in the manner stated in paragraphs (c) and (d) of subsection (1) may appeal against the substituted sentence or order of the court as if the substituted sentence or order was imposed in a criminal trial.

Subsequent Offence Committed during Period of Community Service

Commission of subsequent offence

54. (1) Where a convicted person who is sentenced by a court to perform a community service commits another offence during the period of the performance of the community service and that person is convicted by the same court or another court, the court may

- (a) impose a further community service order in respect of the subsequent offence; or
- (b) impose a term of imprisonment in respect of the subsequent offence.

(2) Where the court imposes a community service order in furtherance of subsection (1), the total period for the performance of the community service shall not exceed six months.

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(3) Where the court imposes a term of imprisonment in furtherance of subsection (1), the court shall

- (a) cancel the community service order; and
- (b) impose a term of imprisonment which the court could have imposed instead of the community service order at the time of sentencing.

(4) The court shall, in converting the remaining term of the community service into a term of imprisonment, take into consideration any period of community service that the convicted person has served under the community service order.

Procedure before a different court

55. (1) Where a convicted person who is sentenced by a court to perform a community service commits another offence during the performance of the community service and is sentenced to a term of imprisonment for the offence by another court, the subsequent court shall, in the case of that court being a lower court, send copies of the proceedings to the court which imposed the community service.

(2) The court which imposed the community service shall, on receipt of the proceedings, proceed in the manner provided for under section 54.

(3) Where the subsequent court is a higher court, the probation officer shall provide copies of the proceedings from the first court and the subsequent court shall, on receipt of the proceedings,

- (a) cancel any community service order; and
- (b) impose a further term of imprisonment which the first court could have imposed instead of the community service for the earlier offence charged.

Procedure before a court of coordinate jurisdiction

56. (1) Where a convicted person who is sentenced by a court to perform community service commits another offence during the period of the service and is sentenced to a term of imprisonment by a court of coordinate jurisdiction, the subsequent court shall, in the case of that court being a lower court, send copies of the proceedings to the court which imposed the community service.

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(2) The court which imposed the community service shall, on receipt of the proceedings, proceed in the manner provided for under section 54.

Review and Revocation of Community Service Order

Review of community service order

57. (1) Subject to sections 50 and 51, a convicted person may appeal against a community service order made against the convicted person.

(2) In furtherance of subsection (1), the convicted person shall inform the supervising officer or probation officer who shall record the request of the convicted person in the prescribed form.

(3) A supervising officer shall, within seven days after the date of receipt of a request under subsection (2), submit the request to the probation officer concerned in the prescribed form.

(4) The probation officer shall, within five days from the date of receipt of the request, apply to the supervising court which made the community service order in the prescribed form setting out the particulars for the review.

(5) Where the probation officer fails to comply with subsection (3), the convicted person or the supervising officer may make the application to the court in the prescribed manner without further reference to the probation officer.

(6) The court shall, before hearing the application under subsection (4), cause the probation officer to be present and be heard on the application.

(7) The court may, after hearing the application, review, vary or amend the community service order if the court considers it to be in the best interest of justice.

(8) Despite subsection (7), a supervising officer or probation officer may, for any good reason and on the initiative of that supervising officer or probation officer, apply to the court for a variation of the community service order.

(9) A convicted person affected by the proceedings under subsection (8) shall be present at the hearing of the application.

Change in residence of convicted person

58. (1) Where an application for review of a community service order under section 57 results in a change in residence of the convicted person, the supervising court shall, after a review of the order,

- (a) inform the court having jurisdiction in the locality where the convicted person intends to reside of the change in residence;
- (b) cause copies of the community service order to be presented to the court within whose jurisdiction the convicted person will reside; and
- (c) proceed to appoint a probation officer and supervising officer for the convicted person in the new locality.

(2) A review of a community service order under this section shall not be necessary where a change in the residence of the convicted person does not

- (a) affect the substantive order; and
- (b) result in the convicted person leaving the jurisdiction of the court that imposed the community service order.

Revocation of community service order

59. (1) Subject to this Act, a court other than a supervising court, which makes a community service order, may on application of a probation officer or a supervising officer,

- (a) revoke a community service order, and
- (b) impose a sentence that the court could have imposed in respect of the offence charged,

if the court considers it to be in the interest of justice to do so having regard to the circumstances of the convicted person.

(2) The court may order a convicted person to be brought before that court for the purposes of the application under subsection (1).

(3) Where a convicted person fails to comply with the order under subsection (2), the court may issue a warrant for the arrest of that convicted person and production before the court.

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(4) The court shall, in revoking a community service order, convert the remaining term of the community service into a term of imprisonment or any other form of punishment taking into consideration, any period of community service that the convicted person has served under the community service order.

(5) A convicted person has the same right of appeal against a sentence or order of the court made under this section as if the sentence or order had been imposed in a criminal trial.

Discharge of Convicted Person under a Community Service Order

Discharge of convicted person

60. (1) A probation officer in charge of a convicted person who has been sentenced to perform community service shall submit to the supervising court in the prescribed form

(a) an inception report, within five days after the commencement of the community service by the convicted person; and

(b) a completion report, within three days after completion of the community service by the convicted person.

(2) The reports submitted under subsection (1) shall cover

(a) the performance of the community service by the convicted person; and

(b) the general conduct of the convicted person during the performance of the community service.

(3) The Judge of the supervising court shall, within seven days after the date of receipt of the reports under subsection (1), hold a conference with the probation officer in respect of the reports received.

(4) The Judge of the supervising court

(a) shall discharge the convicted person, if the Judge is satisfied that the convicted person has satisfactorily completed the community service which the convicted person was sentenced to perform; or

(b) may re-order the convicted person to perform the community service which the convicted person was sentenced to

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perform, if the Judge is not satisfied that the convicted person has satisfactorily performed the community service.

Miscellaneous Provisions

Guidelines

61. The Minister may, on the recommendation of the Secretariat, issue guidelines for

- (a) judges in committing convicted persons to community service;
- (b) the recruitment, engagement and operations of probation officers and supervising officers;
- (c) the application for review and variation of community service orders;
- (d) the categories of convicted persons to be considered for community service; and
- (e) the computation of hours of community service.

Regulations

62. The Minister may, on the recommendation of the Secretariat, by legislative instrument, make Regulations to

- (a) provide for the imposition, performance and supervision of a community service under this Act;
- (b) prescribe the forms, returns and reporting procedures under this Act; and
- (c) provide for any other matter necessary for the effective and efficient implementation of this Act.

Interpretation

63. In this Act, unless the context otherwise requires,

“community” means a neighbourhood, a vicinity or a locality;

“community service” means unpaid public work performed by a convicted person within a community for the benefit of that community for a period of not more than six months for which the court would have sentenced the convicted person and expressed in hours of service including

- (a) any physical work that promotes afforestation, land reclamation and any other form of environmental conservation;

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- (b) general cleaning of a street, a park, a gutter or any other public space;
- (c) maintenance work in a public school, a public hospital or any other institution that provides a public service or an amenity;
- (d) construction and maintenance of a public property;
- (e) rendering a specialist or professional service in a community and for the benefit of the community; and
- (f) any manual work that the court may approve in consultation with a probation officer;

“community service order” means an order made under this Act that requires a convicted person to perform work within a community for a specified period;

“community service period” means the duration imposed by a court which is defined in the total number of hours of community service to be performed;

“convicted person” means an adult convicted of a criminal offence by a court and sentenced to punishment;

“court” means a court of competent jurisdiction;

“Department of Social Welfare” means a statutory department of Government that is mandated to play the lead role of integrating persons who are disadvantaged, vulnerable and excluded and persons with disability into mainstream society;

“Director of Social Welfare” means Director of Social Welfare in the Civil Service;

“district” includes a metropolis and a municipality;

“district assembly” includes a metropolitan assembly and a municipal assembly;

“District Chief Executive” includes a Metropolitan Chief Executive and a Municipal Chief Executive;

“District Coordinator” means the administrative head of the Secretariat at the district;

“Minister” means the Minister responsible for the Interior;

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- “minor offence” means any offence suitable for community service as specified in section 40;
- “offence” means a criminal offence committed under an enactment;
- “placement institution” means
- (a) a public institution where a convicted person is directed by a court to perform a community service;
 - or
 - (b) a public institution that has oversight responsibility over the place where the convicted person performs community service;
- “probation officer” means a person appointed under section 36;
- “Regional Community Service Committee” means the Committee established under section 14;
- “Secretariat” means the National Community Service Secretariat established under section 1;
- “supervising court” means the court under whose jurisdiction the convicted person performs community service; and
- “supervising officer” means a person appointed under section 38.

Consequential amendments

64. The Criminal and Other Offences (Procedure) Act, 1960 (Act 30) is amended to the extent specified in the Schedule.

Application of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30)

65. This Act shall be read as one with Parts VII, X and XII of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30) and where there is a conflict between Parts VII, X and XII of Act 30 and this Act, this Act shall prevail.

Transitional provisions

66. (1) A person, convicted of an offence before the coming into force of this Act and serving a term of imprisonment of not more than one year for an offence which qualifies for community service under this Act, may apply through the Director-General of the Prisons Service for a

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conversion of the remaining term of imprisonment into community service if that person qualifies for the performance of a community service under this Act.

(2) The Director-General of the Prisons Service shall, on receipt of an application made under subsection (1), forward the application with or without any recommendation to the Secretariat.

(3) An application referred to in subsection (1) shall be

- (a) made in the prescribed form; and
- (b) brought before the sentencing court for consideration of the relief sought.

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SCHEDULE
(section 64)

Consequential amendments

No.	Section of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30) amended	How affected
1.	Section 294	by the insertion after paragraph (f) of “(g) community service”.
2.	Section 297	by the substitution for subsections (3), (4) and (5) of “(3) Where a person convicted of an offence is sentenced to pay a fine the Court may direct that if that person fails to pay the fine within the time appointed for payment that person shall suffer imprisonment until it is paid or shall be permitted to render community service. (4) The imprisonment or community service order to which a person is sentenced under subsection (3) shall be in addition to (a) any other imprisonment to which that person is sentenced, and in the case of a felony or misdemeanour shall not exceed three years and in

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		any other case shall not exceed twelve months; or (b) community service order. (5) Where (a) a fine is imposed by a Court exercising summary jurisdiction or at a trial on indictment, and (b) before the expiration of the term of imprisonment or community service order imposed in default of payment, a proportion of the fine is paid or levied and the term of imprisonment served or community service performed in default of payment is not less than or proportional to the outstanding fine, the Court shall terminate the imprisonment or community service, as the case may be”.
3.	Section 318	(a) by the substitution for subsection (3), of “(3) Where an order for the payment of money is made and the money is not paid immediately, the Court may (a) require the person ordered to make the payment to enter into a bond as prescribed under subsection (1),

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		(b) in the case of default in entering into a bond, pass a sentence of imprisonment, or (c) impose a community service order as if the money has not been recovered.”; and (b) by the substitution for subsection (5), of “(5) In default of payment of any of the instalments, the whole of the amount outstanding shall become immediately due and payable, and the provisions of this Act and or any other law applicable to a sentence or fine and to imprisonment or community service order in default of payment shall apply accordingly.”.
4.	Section 320	by the substitution for section 320, of “Commitment in lieu of distress 320. Where the officer having the execution of a warrant of distress reports, (a) that a property could not be found, or (b) that not sufficient property could be found,

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		on which to levy the money mentioned in the warrant with expenses, the Court may by the same or subsequent warrant commit the person ordered to pay, to prison, with or without hard labour, for a time specified in the warrant, or permit the convicted person to undertake community service, unless the money and the expenses of the distress, commitment and conveyance to prison to be specified in the warrant are sooner paid.”.
5.	Section 321	by the substitution for section 321, of “Payment in full after commitment 321. (1) A person committed for non-payment to prison may pay the sum of money mentioned in the warrant, with the amount of expenses authorised to the person in whose custody that person is, and the person having the custody of the other person shall discharge that other person from the custody, if that person is in custody for no other matter. (2) Where the convicted person in question is subjected to a community service order and has paid the amount of the fine and other expenses authorised to the court, the court shall discharge the convicted person from further execution of the order.”.

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6.	Section 322	By the substitution for section 322, of “Part payment after commitment 322. (1) Where a person committed to prison or community service for non-payment pays a sum of money in part satisfaction of the sum of money adjudged to be paid, the term of imprisonment or community service order of that person shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days for which that person is committed as the sum paid bears to the sum of which that person is liable. (2) The officer in charge of a prison in which a person is confined, the supervising officer or probation officer in the case of a community order who is desirous of taking advantage of subsection (1) shall, on application made to the officer by that convicted person, at once take that convicted person before the appropriate Court. (3) A Court under subsection (2) shall (a) certify the amount by which the term of imprisonment or the community service order originally awarded should be reduced by the
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		payment in part satisfaction, and (b) make the appropriate order.”.
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