

CRIMINAL JUSTICE (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT THE ACT IS IN 12 PARTS.

Part 8 – Evidential, Jurisdictional and Procedural Matters

Section 60 – Unified citation provisions

319. **Section 60** amends the Criminal Procedure (Scotland) Act 1995 and the Prisoners and Criminal Proceedings (Scotland) Act 1993 to apply the citation procedure set out in sections 216(3) and (5) of the 1995 Act to breach and ancillary proceedings in relation to community based disposals, restriction of liberty orders and drug treatment and testing orders.
320. Section 216 of the 1995 Act enables the clerk of the court to sign and issue a citation to attend court to the offender *in lieu* of the procurator fiscal.
321. This section amends the Criminal Procedure (Scotland) Act 1995 and the Prisoners and Criminal Proceedings (Scotland) Act 1993 to create a unified citation procedure in relation to breach and ancillary proceedings in those disposals already specified above. This will be achieved by inserting into section 307 of the 1995 Act a definition of a unified citation procedure which is as set out in section 216 of the Act and applying it to the following sections of the Act:
- section 232 – probation orders: failure to comply with requirement;
 - section 233 – probation orders: commission of further offence;
 - section 234E – amendment of drug treatment and testing order;
 - section 234G – breach of drug treatment and testing order;
 - section 239 – community service orders: requirements;
 - section 240 – community service orders: amendment and revocation etc;
 - section 245E – variation of restriction of liberty order;
 - section 245F – breach of restriction of liberty order;
 - Schedule 6 – discharge of and amendment to probation orders; and
 - Schedule 7 – supervised attendance orders: further provisions.
322. The definition in section 307 of the 1995 Act is similarly applied to sections 15 and 18 of the 1993 Act which deal with the variation and breach of a supervised release order.