



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 6

NON-CUSTODIAL PUNISHMENTS

48 Breach of certain orders: adjourning hearing and remanding in custody etc.

After section 245I of the 1995 Act there is inserted—

“245J Breach of certain orders: adjourning hearing and remanding in custody etc.

- (1) Where a probationer or offender appears before the court in respect of his apparent failure to comply with a requirement of, as the case may be, a probation order, drug treatment and testing order, supervised attendance order, community service order or restriction of liberty order the court may, for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with him, adjourn the hearing.
- (2) Where, under subsection (1) above, the court adjourns a hearing it shall remand the probationer or offender in custody or on bail or ordain him to appear at the adjourned hearing.
- (3) A court shall not so adjourn a hearing for any single period exceeding four weeks or, on cause shown, eight weeks.
- (4) A probationer or offender remanded under this section may appeal against the refusal of bail, or against the conditions imposed, within 24 hours of his remand.
- (5) Any such appeal shall be by note of appeal presented to the High Court, who, either in court or in chambers, may after hearing the prosecutor and the appellant—
 - (a) review the order appealed against and either grant bail on such conditions as it thinks fit or ordain the appellant to appear at the adjourned hearing; or
 - (b) confirm the order.”