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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Procedure (Amendment) (Scotland) Act 2004, Paragraph 37. (See end of Document for details)

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## SCHEDULE

### FURTHER MODIFICATIONS OF THE 1995 ACT

- 37 In section 245E (variation of restriction of liberty order)—
- (a) after subsection (4) insert—
    - “(4A) Before varying a restriction of liberty order so as to require the offender to remain in a specified place or places or so as to specify a different place or different places in which the offender is to remain, the court shall—
      - (a) obtain and consider a report by an officer of a local authority about—
        - (i) the place or places proposed to be specified, and
        - (ii) the attitude of persons likely to be affected by any enforced presence there of the offender; and
      - (b) if it considers it necessary, hear the officer who prepared the report.”, and
  - (b) in subsection (6)(a)—
    - (i) after “places” in the first place where it occurs insert “—
      - (i) ”,
    - (ii) for the words from “information” in the first place where it occurs to “to” in the second place where it occurs substitute “ a report by an officer of a local authority about the place or places proposed to be specified and ”,
    - (iii) after “offender;” insert “and
      - (ii) if it considers it necessary, hear the officer who prepared the report;”.

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#### Commencement Information

**II** Sch. para. 37 in force at 4.10.2004 by [S.S.I. 2004/405](#), art. 2(1), [sch. 1](#) (with arts. 3-5)

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