



Management of Offenders etc. (Scotland) Act 2005

2005 asp 14

Probation progress review

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- (1) The Criminal Procedure (Scotland) Act 1995 (c. 46) is amended as follows.
- (2) After section 229 insert—

“229A Probation progress review

- (1) A court may, in making a probation order, provide for the order to be reviewed at a hearing held for the purpose by the court.
- (2) The officer responsible for the probationer’s supervision is, before the hearing, to make a report in writing to the court on the probationer’s progress under the order.
- (3) The probationer must, and that officer may, attend the hearing.
- (4) The hearing may be held whether or not the prosecutor elects to attend.
- (5) Where the probationer fails to attend the hearing the court may issue a warrant for his arrest.
- (6) At the hearing the court, after considering the report made under subsection (2) above, may amend the probation order.
- (7) But before amending the order the court is to explain to the probationer, in ordinary language, the effect of making the amendment; and may proceed to make it only if the probationer expresses his willingness to comply with the requirements of the order as amended.
- (8) Sub-paragraph (2) of paragraph 3 of Schedule 6 to this Act applies to amending under subsection (6) above as that sub-paragraph applies to amending under sub-paragraph (1) of that paragraph.

Status: This is the original version (as it was originally enacted).

- (9) At the hearing the court may provide for the order to be reviewed again at a subsequent hearing held for the purpose by the court; and subsections (2) to (8) above and this subsection apply in relation to a review under this subsection as they apply in relation to a review under subsection (1) above.”.
- (3) In section 232(2) (powers of court where satisfied that a probationer has failed to comply with a requirement of his probation order), after the words “subsection (1) above” insert “or of section 229A of this Act”.