

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Cross Heading: The Criminal Justice (Scotland) Act 2003 (asp 7). (See end of Document for details)*

## SCHEDULE 2 COMMUNITY PAYBACK ORDERS: CONSEQUENTIAL MODIFICATIONS

### PART 2

#### OTHER ENACTMENTS

##### *The Criminal Justice (Scotland) Act 2003 (asp 7)*

- 47 (1) The Criminal Justice (Scotland) Act 2003 is amended as follows.
- (2) In section 42 (drugs courts)—
- (a) in subsection (4)—
- (i) for “probationer with the requirements of a probation order” substitute “community payback order”,
- (ii) in paragraph (b), for the words from “make” to “work” substitute “in the case of a failure to comply with the requirements of a drug treatment and testing order, make a community payback order imposing a level 1 unpaid work or other activity requirement, so however that the total hours of unpaid work or other activity”, and
- (iii) for “probation order” where those words second occur substitute “community payback order”,
- (b) in subsection (6), for paragraph (b) substitute—
- “(b) alleged at—
- (i) a progress review carried out by such a court in relation to a community payback order; or
- (ii) a diet of such a court to which an offender has been cited under section 227ZC(2) of that Act (breach of community payback order),
- that the offender has failed to comply with a requirement imposed by a community payback order.”,
- (c) in subsection (7)—
- (i) the words “or probationer” are repealed, and
- (ii) for “232” substitute “227ZC”,
- (d) for subsection (9) substitute—
- “(9) If a community payback order is revoked under section 227ZC(7) (b) of the 1995 Act, the court (whether or not a drugs court) must, in dealing with the offender by virtue of that section, take into account any sentence which has been imposed under paragraph (a) of subsection (4) of this section in relation to a failure to comply with the community payback order.”,
- (e) in subsection (10)—
- (i) insert at the appropriate places—
- ““community payback order” means an order imposed under section 227A of the 1995 Act;”
- ““level 1 unpaid work or other activity requirement” has the meaning given in section 227I(5) of the 1995 Act;”, and

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- (ii) the definition of “probation order” is repealed, and
- (f) in subsection (11), paragraphs (a) and (b) are repealed.
- (3) Section 46 (requirement for remote monitoring in probation order) is repealed.
- (4) In section 50 (amendments in relation to certain non-custodial sentences), subsections (1), (2) and (4) are repealed.
- (5) In section 60 (unified citation provisions)—
  - (a) in subsection (1), paragraphs (a), (b), (e) and (f) are repealed, and
  - (b) subsections (3) and (4) are repealed.

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**Commencement Information**

**II** Sch. 2 para. 47 in force at 1.2.2011 by S.S.I. 2010/413, art. 2, Sch. (with art. 3)

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