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## SCHEDULES

### SCHEDULE 8

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Criminal Justice (Scotland) Act 1949*

- 22 (1) In section 2, for subsection (2) there shall be substituted the following subsection—
- “(2) A probation order shall be in the form prescribed by Act of Adjournal, and shall name the local authority area in which the offender resides or is to reside and the order shall make provision for the offender to be under the supervision of an officer of the local authority of that area, or, where the offender resides or is to reside in a local authority area in which the court has no jurisdiction, the court shall name the appropriate court (being such a court as could have been named in any amendment of the order in accordance with the provisions of Schedule 2 to this Act) in the area of residence or intended residence and the court last mentioned shall require the local authority for that area to arrange for the offender to be under the supervision of an officer of that authority.”
- (2) In subsection (4), for the words "the probation officer or officers nominated " there shall be substituted the words " an officer of the local authority ".
- (3) In subsection (6), in the proviso, in paragraph (b), for the words from " an approved " where first occurring to " other " there shall be substituted the word " any ".
- (4) In subsection (8), for the words from "probation officer" to the end of the subsection there shall be substituted the words " officer of the local authority who is to supervise the probationer, to the probationer, and to the person in charge of any institution or place in which the probationer is required to reside under the probation order ".
- 23 In section 3, in subsections (4) and (6), for the words " the probation officer or officers " there shall be substituted the words " any officer ".
- 24 In section 5(1), for the words "the probation officer named in the probation order" there shall be substituted the words " the officer supervising the probationer ".
- 25 For section 8(1) there shall be substituted the following subsection—
- “(1) Any court may, on making a probation order under this Part of this Act, if it thinks that such a course is expedient for the purpose of the order, require the offender to give security for his good behaviour.”
- 26 In section 9(1), for the word " seventeen" there shall be substituted the word " sixteen ".
- 27 In section 10, for the words " a probation officer " there shall be substituted the words " an officer of a local authority ", for the words "other than a juvenile court" there shall be substituted the words " other than a court whose procedure is regulated by rules made under section 52(2) of the Children and Young Persons (Scotland)

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Act 1937) ", and for the word " seventeen " there shall be substituted the word " sixteen ".

28 (1) In section 28(1), for the paragraphs (a) to (c) there shall be substituted the following paragraphs—

“(a) if he is under 16 years of age the court shall commit him to the local authority in whose area the court is situated, and the authority shall have the duty of placing him in a suitable place of safety chosen by the authority ;

(b) if he is a child of over 16 years of age, or a child under 16 years of age but over fourteen years of age who is certified by the court to be unruly or depraved, and the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, he shall be committed to a remand centre,”.

(2) For subsections (3) and (4), there shall be substituted the following subsections—

“(3) Where any person is committed to a local authority or to a remand centre under any provision of this Act that authority or centre shall be specified in the warrant, and he shall be detained by the authority or in the centre for the period for which he is committed or until he is liberated in due course of law.

(4) Where any person has been committed to a local authority under any provision of this Act, the court by which he was committed, if the person so committed is not less than fourteen years of age and it appears to the court that he is unruly or depraved, may revoke the commitment and commit the said person—

(a) if the court has been notified that a remand centre is available for the reception from that court of persons of his class or description, to a remand centre; and

(b) if the court has not been so notified, to a prison”.

(3) After subsection (4) there shall be inserted the following subsection—

“(5) Where in the case of a person under sixteen years of age who has been committed to prison or to a remand centre under this section, the sheriff is satisfied that his detention in prison or a remand centre is no longer necessary, he may revoke the commitment and commit the person to the local authority in whose area the court is situated, and the authority shall have the duty of placing him in a suitable place of safety.”

29 In section 30(1), in the subsection substituted thereby for section 9(4) of the Criminal Appeal (Scotland) Act 1926, in paragraph (d) for the words " remand home " and " home " there shall be substituted the words " place of safety ".

30 In section 78(1), after the definition of "large burgh and small burgh ", there shall be added the following definitions—

“' local authority ' has the same meaning as in the Social Work (Scotland) Act 1968 ;

' place of safety ' has the same meaning as in the Social Work (Scotland) Act 1968 ;”.

31 (1) In Schedule 2—

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- (a) for any reference to a probation officer there shall be substituted a reference to an officer supervising the probationer;
  - (b) for any reference to a probation area or a probation committee of a probation area or to the clerk of such a committee, there shall be respectively substituted references to the area of a local authority, a local authority and the director of social work of that area.
- (2) In paragraph 2(1), for the words from "and which shall" to the end of the subparagraph, there shall be substituted the words " and shall require the local authority for that other area to arrange for the probationer to be under the supervision of an officer of that authority. "
- (3) In paragraph (4)(a), for the words from " the probation officer " to " salaried probation officers " there shall be substituted the words " the local authority named in the order, the local authority ".