

## SCHEDULES

### SCHEDULE 1

Section 6(3).

#### COMMUNITY SERVICE ORDERS MADE OR AMENDED BY VIRTUE OF SECTION 6

- 1 Section 1(4) of this Act shall apply to a community service order made by virtue of section 6 of this Act as if—
- (a) in paragraph (a) for the reference to section 3 of this Act there were substituted a reference to section 15 of the Powers of Criminal Courts Act 1973 ;
  - (b) in paragraph (b) for the reference to section 4 of this Act there were substituted a reference to section 16 of the said Act of 1973 as applied by paragraph 3 below and to paragraph 4 below;
  - (c) for paragraph (c) there were substituted the following paragraph—
    - “(c) the powers of the magistrates' court under section 17 of the said Act of 1973 as applied by paragraph 5 of Schedule 1 to this Act and of the court in Scotland under paragraph 6 of that Schedule.”.
- 2 Subsection (1)(a) and (b) and (3)(6) and (c) of section 2 and sections 3 to 5 of this Act shall not apply to a community service order made or amended by virtue of the said section 6 ; but, subject to paragraphs 3 and 5 below, section 14(4) and sections 15 to 17 of the said Act of 1973 shall apply to the order as if it were a community service order made under the said section 14.
- 3 Section 16 of the said Act of 1973 shall have effect in relation to an order made or amended by virtue of the said section 6 as if for subsections (3) to (7) there were substituted the following subsection—
- “(3) If it is proved to the satisfaction of the magistrates' court before which an offender appears or is brought under this section that he has failed without reasonable excuse to comply with any of the requirements of section 15 of this Act, the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding £50 or issue a summons requiring him to appear before the court in Scotland by which the order was made.”.
- 4 A court in Scotland before which an offender has been required under section 16(3) of the said Act of 1973 (as substituted by paragraph 3 above) to appear may—
- (a) if he fails to so appear, issue a warrant for his arrest;
  - (b) in relation to the community service order, exercise the powers conferred on an appropriate court by section 4(2) of this Act.
- 5 Section 17 of the said Act of 1973 shall have effect in relation to an order made or amended by virtue of the said section 6 as if—
- (a) for subsections (2) to (4) there were substituted the following subsection—
    - “(2) Where, on the application of the offender or the relevant officer, it appears to a magistrates' court acting for the petty sessions area for the time being specified in the order that it would be in the interests

---

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

---

of justice (having regard to circumstances which have arisen since the order was made or amended, as the case may be, by virtue of section 6 of the Community Service by Offenders (Scotland) Act 1978) that the order should be revoked or that the offender should be dealt with in some other manner for the offence in respect of which the order was made, the magistrates' court shall refer the case to the court in Scotland by which the order was made.”;

(b) in subsection (7), the words " or (2) " were omitted.

6 A court in Scotland to which a case relating to a community service order has been referred under section 17(2) of the said Act of 1973 (as substituted by paragraph 5 above) may, in relation to that order, exercise the powers conferred on an appropriate court by section 5(1)(b), (c) or (d) of this Act:

Provided that, where the court proposes to exercise the powers conferred on an appropriate court by paragraph (b) or (d) of the said section 5(1), it shall issue a citation requiring the offender to appear before it.

7 Where an offender who has been required under the proviso to paragraph 6 above to appear before a court in Scotland fails to do so, that court may issue a warrant for his arrest.

8 The court by which a community service order is made or amended by virtue of the said section 6 shall send three copies of the order to the clerk to the justices for the petty sessions area specified therein, together with such documents and information relating to the case as it considers likely to be of assistance to the court acting for that petty sessions area.

## SCHEDULE 2

Section 14.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Social Work (Scotland) Act 1968 (c. 49)*

1 In section 27 (supervision of persons put on probation or released from prisons etc.)

- (a) at the end of subsection (1)(b)(ii) add " and (iii) without prejudice to sub-paragraphs (i) and (ii) above, persons in the area who are subject to a community service order under the Community Service by Offenders (Scotland) Act 1978 or a probation order which includes a requirement that the offender shall perform unpaid work ";
- (b) for the words " probation scheme" wherever they occur substitute " probation and community service scheme ".

#### *The Criminal Procedure (Scotland) Act 1975 (c. 21)*

2 In section 188(1) (probation orders relating to persons residing in England or Wales), after " Act" insert " (not being a probation order including a requirement that the offender shall perform unpaid work) ".

3 In section 389(1) (probation orders relating to persons residing in England or Wales), after " Act" insert " (not being a probation order including a requirement that the offender shall perform unpaid work) ".