



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *Supervised attendance*

#### **235 Supervised attendance orders**

- (1) A court may make a supervised attendance order in the circumstances specified in subsection (3) below and shall, subject to paragraph 1 of Schedule 7 to this Act, make such an order where subsection (4) below applies.
- (2) A supervised attendance order is an order made by a court in respect of an offender requiring him—
  - (a) to attend a place of supervision for such period, being a period of not less than 10 hours and not more than—
    - (i) where the amount of the fine, part or instalment which the offender has failed to pay does not exceed level 1 on the standard scale, 50 hours; and
    - (ii) in any other case, 100 hours, as is specified in the order; and
  - (b) during that period, to carry out such instructions as may be given to him by the supervising officer.
- (3) The circumstances referred to in subsection (1) above are where—
  - (a) the offender is of or over 18 years of age; and
  - (b) having been convicted of an offence, he has had imposed on him a fine which (or any part or instalment of which) he has failed to pay and the court, but for this section, would also have imposed on him a period of imprisonment under subsection (1) of section 219 of this Act; and
  - (c) the court considers a supervised attendance order more appropriate than the serving of or, as the case may be, imposition of such a period of imprisonment.

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*Status: This is the original version (as it was originally enacted).*

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- (4) This subsection applies where—
- (a) the court is a court prescribed for the purposes of this subsection by order made by the Secretary of State;
  - (b) the offender is of or over 18 years of age and is not serving a sentence of imprisonment;
  - (c) having been convicted of an offence, he has had imposed on him a fine which (or any part or instalment of which) he has failed to pay and the court, but for this section, would have imposed on him a period of imprisonment under section 219(1)(b) of this Act; and
  - (d) the fine, or as the case may be, the part or instalment, is of an amount not exceeding level 2 on the standard scale.
- (5) An order under subsection (4)(a) above shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The coming into force of a supervised attendance order shall have the effect of discharging the fine referred to in subsection (3)(b) or (4)(c) above or, as the case may be, section 236(3)(a) or 237(1) of this Act.
- (7) Schedule 7 to this Act has effect for the purpose of making further and qualifying provision as to supervised attendance orders.
- (8) In this section—
- “imprisonment” includes detention;
  - “place of supervision” means such place as may be determined for the purposes of a supervised attendance order by the supervising officer; and
  - “supervising officer”, in relation to a supervised attendance order, means a person appointed or assigned under Schedule 7 to this Act by the local authority whose area includes the locality in which the offender resides or will be residing when the order comes into force.