



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

[^{F1}Restriction of liberty orders]

[^{F1}245G Disposal on revocation of restriction of liberty order.

- (1) Where the court revokes a restriction of liberty order under section 245E(2)(b) or 245F(2) of this Act, it may dispose of the offender in any way which would have been competent at the time when the order was made, but in so doing the court shall have regard to the time for which the order has been in operation.
- (2) Where the court revokes a restriction of liberty order as mentioned in subsection (1) above, and the offender is, [^{F2}by virtue of section 245D(3) of this Act, subject to a probation order or a drug treatment and testing order or to both such orders, it shall, before disposing [^{F3}of] the offender under subsection (1) above—
 - (a) where he is subject to a probation order, discharge that order;
 - (b) where he is subject to a drug treatment and testing order, revoke that order; and
 - (c) where he is subject to both such orders, discharge the probation order and revoke the drug treatment and testing order.]]
- [^{F4}(3) Where the court orders a probation order discharged or a drug treatment and testing order revoked the clerk of the court shall forthwith give copies of that order to the persons mentioned in subsection (4) or, as the case may be, (5) of section 245D of this Act.
- (4) Where the court orders a probation order discharged and a drug treatment and testing order revoked, the clerk of the court shall forthwith give copies of that order to the persons mentioned in section 245D(6) of this Act.]

Status: Point in time view as at 04/04/2005. This version of this provision has been superseded.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 245G is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Ss. 245A-245I inserted (20.10.1997 for specified purposes and 1.7.1998 otherwise) by 1997 c. 48, s. 5; S.I. 1997/2323, arts. 3, 5(1), **Sch. 1**
- F2** S. 245G(2): words and sub-paras. (a)-(c) substituted (30.9.1998) for words in s. 245G(2) by 1998 c. 37, s. 94(2), **Sch. 6 Pt. I para. 4(2)**; S.I. 1998/2327, **art. 2(1)(s)**
- F3** Word in s. 245G inserted (4.4.2005) by Antisocial Behaviour etc. (Scotland) Act 2004 (asp 8), ss. 144(1), 145(2), **Sch. 4 para. 5(9)**; S.S.I. 2004/420, **art. 3**, Sch. 5
- F4** S. 245G(3)(4) added (30.9.1998) by 1998 c. 37, s. 94(2), **Sch. 6 Pt. I para. 4(3)**; S.I. 1998/2327, **art. 2(1)(s)**

Status:

Point in time view as at 04/04/2005. This version of this provision has been superseded.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 245G is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.