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*Changes to legislation:* There are currently no known outstanding effects for the Offender Rehabilitation Act 2014, Paragraph 3. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 3

#### RELEASE AND SUPERVISION: MINOR AND CONSEQUENTIAL PROVISION

##### *Crime (Sentences) Act 1997 (c. 43)*

- 3 (1) Paragraph 8 (restricted transfers from England and Wales to Scotland) is amended as follows.
- (2) In sub-paragraph (2)(a)—
- (a) for “264A” substitute “ 264B ”,
  - (b) after “267B of” insert “ , and Schedules 19A, 20A and 20B to, ” and
  - (c) after “104” insert “ and 106B ”.
- (3) In sub-paragraph (4)(a)—
- (a) for “264A” substitute “ 264B ”,
  - (b) after “267B of” insert “ , and Schedules 19A, 20A and 20B to, ” and
  - (c) after “104” insert “ and 106B ”.
- (4) In sub-paragraph (6)(f), for “paragraphs (b) and (c)” substitute “ paragraph (c) ”.
- (5) At the end (after the sub-paragraph (7) inserted by section 13 of this Act) insert—
- “(8) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—
- (a) as if any reference to something listed in the first column of the Table in sub-paragraph (10) were a reference to whatever is opposite it in the second column of that Table,
  - (b) with the modifications in sub-paragraph (11), and
  - (c) in a case falling within section 106B of the Powers of Criminal Courts (Sentencing) Act 2000, with the further modifications in sub-paragraph (12),
- (and see also paragraphs 8A, 19A and 19B).
- (9) In this paragraph “the supervision provisions” means—
- (a) sections 256AA to 256E of, and Schedule 19A to, the 2003 Act,
  - (b) the provisions of the 2003 Act mentioned in section 256AC of, and Schedule 19A to, that Act, as applied by that section and that Schedule, and
  - (c) section 106B of the Powers of Criminal Courts (Sentencing) Act 2000.
- (10) The references mentioned in sub-paragraph (8)(a) are—

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TABLE

<i>Reference</i>	<i>Substituted reference</i>
Crown Court	High Court of Justiciary
Justice of the peace	Sheriff court
Local justice area	Local government area within the meaning of the Local Government etc (Scotland) Act 1994
Magistrates' court	Sheriff court
Officer of a provider of probation services	Relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993
Summons	Citation
Young offender institution	Young offenders institution provided under section 19(1)(b) of the Prisons (Scotland) Act 1989

- (11) The modifications mentioned in sub-paragraph (8)(b) are—
- (a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to a licence under the Prisons (Scotland) Act 1989 or the Prisoners and Criminal Proceedings (Scotland) Act 1993,
  - (b) section 256AC(7)(b) of the 2003 Act has effect as if for “the Secretary of State” there were substituted “the Scottish Ministers”,
  - (c) paragraph 2 of Schedule 19A to the 2003 Act has effect as if—
    - (i) sub-paragraph (d) referred only to section 215(1) and (2) of the 2003 Act, and
    - (ii) sub-paragraph (e) were omitted,
  - (d) paragraph 3 of Schedule 19A to the 2003 Act has effect as if, after sub-paragraph (7), there were inserted—

“(7A) Section 218(4)(a) applies as if for the words “has been notified by the Secretary of State” there were substituted “is satisfied”,
  - (e) paragraph 7 of Schedule 19A to the 2003 Act has effect as if—
    - (i) in sub-paragraph (1), for “the supervisor must refer the matter to the enforcement officer” there were substituted “the supervisor may cause an information to be laid before a sheriff court in respect of the person's failure to comply with the requirement”, and
    - (ii) sub-paragraphs (2) to (5) were omitted, and
  - (f) paragraph 12(3) of Schedule 19A to the 2003 Act has effect as if for “makes a community order or suspended sentence order” there were substituted “imposes any other sentence”.
- (12) The further modifications mentioned in sub-paragraph (8)(c) are that section 106B of the Powers of Criminal Courts (Sentencing) Act 2000 has effect as if—

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- (a) in subsection (4), for paragraph (b) there were substituted a reference to an officer of a local authority constituted under the Local Government etc (Scotland) Act 1994 for the local government area in which the offender resides for the time being, and
- (b) after subsection (3) there were inserted—

“(3A) Sections 256AA(3) and (6), 256AB(1) and 256E(2) have effect as if the references to the Secretary of State were references to the Scottish Ministers.””

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**Commencement Information**

**II** Sch. 3 para. 3 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

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