

SCHEDULE
MODIFICATIONS

PART 4
COMMUNITY PAYBACK ORDER CONSEQUENTIAL MODIFICATIONS
PUBLIC GENERAL ACTS

Public Passenger Vehicles Act 1981

10.—(1) In Schedule 3 (supplementary provision as to qualifications for PSV operator’s licence) to the Public Passenger Vehicles Act 1981(1), paragraph 1 is amended as follows.

- (2) In sub-paragraph (4)(a)—
 - (a) for “scale or a” substitute “scale, a”; and
 - (b) after “hours” insert “or a community payback order requiring the offender to undertake unpaid work, or unpaid work and other activity, for more than sixty hours”.
- (3) In sub-paragraph (6)—
 - (a) for “health and “a community order”” substitute “health, “a community order””; and
 - (b) after “2006” insert “ and “a community payback order” means a community payback order under section 227A or 227M of the Criminal Procedure (Scotland) Act 1995 imposing an unpaid work or other activity requirement”.

Criminal Justice Act 1982

11.—(1) Part 3 of Schedule 13 (reciprocal arrangements (Northern Ireland) – persons residing in England and Wales or Scotland) to the Criminal Justice Act 1982(2) is amended as follows.

- (2) In paragraph 8—
 - (a) in sub-paragraph (1), for paragraph (b) and (c) of the Article 13(4) that is to be treated as substituted by that provision, substitute—
 - “(b) it appears to the court that provision can be made for the offender to perform work in the locality in Scotland where the offender resides, or will reside, under arrangements for persons to comply with a community payback order in the locality.”;
 - (b) in sub-paragraph (2), for paragraphs (b) and (c) substitute—
 - “(b) it appears to the court that provision can be made for the offender to perform work in the locality in Scotland where the offender resides, or will reside, under arrangements for persons to comply with a community payback order in the locality.”;
 - (c) in sub-paragraph (3)(b)—
 - (i) for “regional or islands council” substitute “local authority (meaning a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994)”; and
 - (ii) for “community service orders conferred on the local authority officer by the Community Service by Offenders (Scotland) Act 1978” substitute “community

(1) 1981 c.14.

(2) 1982 c.48, relevant amendments were made by S.I. 1996/3160 (N.I.24) Schedule 5 paragraph 12(b).

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payback orders conferred on the responsible officer by the Criminal Procedure (Scotland) Act 1995”;

(d) after sub-paragraph (3) insert—

“(4) In this paragraph “community payback order” means a community payback order imposed under section 227A of the Criminal Procedure (Scotland) Act 1995.”.

(3) In paragraph 9—

(a) in sub-paragraph (3)(b)—

(i) for “community service order” in the second place the expression appears substitute “community payback order”; and

(ii) for “community service orders” substitute “community payback orders”;

(b) in sub-paragraph (4)(a), for “community service orders or, as the case may be, community orders or youth rehabilitation orders” substitute “community orders or youth rehabilitation orders (in England and Wales) or community payback orders (in Scotland)”;

(c) in sub-paragraph (5), for “community service order or, as the case may be, a community order or youth rehabilitation order” substitute “community order or youth rehabilitation order (in England and Wales) or a community payback order (in Scotland)”;

(d) in sub-paragraph (6)—

(i) for “community service orders or, as the case may be, community orders or youth rehabilitation orders” substitute “community orders or youth rehabilitation orders (in England and Wales) or community payback orders (in Scotland)”;

(ii) in paragraph (a)(ii), for the words from “on oath” to the end substitute “from an officer appointed or assigned under paragraph 8(3)(b)”;

(iii) in paragraph (b)(ii), for the words “the local authority officer” substitute “an officer appointed or assigned under paragraph 8(3)(b)”;

(e) after paragraph (7) insert—

“(8) In this paragraph “community payback order” means a community payback order imposed under section 227A of the Criminal Procedure (Scotland) Act 1995.”.

Goods Vehicles (Licensing of Operators) Act 1995

12.—(1) In Schedule 3 (qualifications for standard licence) to the Goods Vehicles (Licensing of Operators) Act 1995(3), paragraph 3 is amended as follows.

(2) In sub-paragraph (2)(c), after “hours” insert “or a community payback order requiring him to undertake unpaid work, or unpaid work and other activity, for more than 60 hours”.

(3) In sub-paragraph (3)—

(a) the word “and” immediately following paragraph (a) is repealed; and

(b) after paragraph (b) insert—

“; and

(c) “community payback order” means a community payback order under section 227A or 227M of the Criminal Procedure (Scotland) Act 1995 imposing an unpaid work or other activity requirement.”.

Social Security Fraud Act 2001

13.—(1) The Social Security Fraud Act 2001(4) is amended as follows.

(2) In section 6C(5)(b)(i)(5) (section 6B: supplementary provisions), the words “or a court in Scotland makes a probation order” are repealed.

(3) In section 7(9)(b)(i)(6) (loss of benefit for second or subsequent benefit offence), the words “or a court in Scotland makes a probation order” are repealed.

Criminal Justice Act 2003

14.—(1) Schedule 9 (transfer of community orders to Scotland or Northern Ireland) to the Criminal Justice Act 2003(7) is amended as follows.

(2) In paragraph 1(6)(c), for “subsection (4) of section 228” substitute “sections 227A to 227ZK”.

(3) In paragraph 2(2), for the words from “or” to “245” substitute “and for discharging in relation to him the functions of the responsible officer under sections 227A to 227ZK”.

(4) In paragraph 5, in the definition of “the local authority officer concerned”, for the words from “or” to “245” substitute “and for discharging in relation to him the functions of the responsible officer under sections 227A to 227ZK”.

(4) [2001, c.11.](#)

(5) Section 6C, along with sections 6A and 6B, was inserted by section 24(1) of the Welfare Reform Act 2009 ([c.24](#)). Section 6C(5)(b)(i) of the Social Security Fraud Act 2001 was repealed in so far as it extends to Scotland by paragraph 45 (1) and (2) of schedule 2 to the 2010 Act.

(6) Section 7(9)(b) was substituted by paragraph 2(3)(b) of Schedule 4 to, the Welfare Reform Act 2009. Section 7(9)(b)(i) of the Social Security Fraud Act 2001 was repealed in so far as it extends to Scotland by paragraph 45(1) and (3) of schedule 2 to the 2010 Act.

(7) [2003 c.44.](#)