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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Paragraph 22. (See end of Document for details)

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## SCHEDULE 2 COMMUNITY PAYBACK ORDERS: CONSEQUENTIAL MODIFICATIONS

### PART 1

#### THE 1995 ACT

##### *The 1995 Act*

- 22 (1) Section 245D (combination of restriction of liberty orders with other orders) is amended as follows.
- (2) In subsection (1)(b)—
- (a) in sub-paragraph (i), for “probation order made under section 228(1)” substitute “community payback order imposed under section 227A(1)”, and
  - (b) in sub-paragraph (ii)—
    - (i) for “probation order made under section 228(1) of this Act,” substitute “community payback order imposed under section 227A(1) of this Act or”, and
    - (ii) the words “or both such orders” are repealed.
- (3) In subsection (2), for “probation order” substitute “community payback order”.
- (4) In subsection (3)—
- (a) the word “228(1),” is repealed,
  - (b) in paragraph (a), for “probation order” substitute “community payback order”, and
  - (c) in paragraph (b), for “either or both of a probation order and” substitute “either a community payback order or”.
- (5) In subsection (4)—
- (a) for “probation order” substitute “community payback order”, and
  - (b) for paragraph (b) substitute—
    - “(b) the local authority within whose area the offender will reside for the duration of each order.”.
- (6) Subsection (6) is repealed.
- (7) In subsection (7)—
- (a) in paragraph (a)—
    - (i) for “contained in a probation order and is dealt with under section 232(2)(c)” substitute “imposed by a community payback order and is dealt with under section 227ZC(7)(d)”, and
    - (ii) the words from “234G(2)(b)” to “section” where it third occurs are repealed,
  - (b) in paragraph (b), the words from “232(2)(c)” to “section” where it third occurs are repealed, and
  - (c) in paragraph (c), for “232(2)(c) of this Act in relation to a probation order” substitute “227ZC(7)(d) of this Act in relation to a community payback order”.
- (8) In subsection (8), for “232(2)” substitute “227ZC”.

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(9) In subsection (9)—

- (a) in paragraph (a), for “probation order” substitute “community payback order”, and
- (b) paragraph (c) is repealed.

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**Commencement Information**

**II** [Sch. 2 para. 22](#) in force at 1.2.2011 by [S.S.I. 2010/413](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

**Changes to legislation:**

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