

## SCHEDULE

### PART 2

#### Secondary legislation

##### **The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989**

3. In regulation 3(f) (Services exempted from charges) of the National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989(1), for “section 184(1)” to the end, substitute “section 227R of the Criminal Procedure (Scotland) Act 1995 (c.46), included by the Court as a requirement in a community payback order.”

##### **The Community Service by Offenders (Hours of Work) (Scotland) Order 1996**

4. The Community Service by Offenders (Hours of Work) (Scotland) Order 1996(2) is revoked.

##### **The Prosecutor’s Right of Appeal in Summary Proceedings (Scotland) Order 1996**

5. In article 2(b) of the Prosecutor’s Right of Appeal in Summary Proceedings (Scotland) Order 1996(3) for “a probation order, community service order or order” substitute “an order”.

##### **The Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001**

6. In Schedule 1 (Amendments) to the Postal Services Act 2000 (Consequential Modifications No. 1) Order 2001(4), paragraphs 104(4) and (6) (relating to the Criminal Procedure (Scotland) Act 1995) are omitted.

##### **The Community Care (Direct Payments) (Scotland) Regulations 2003**

7. In regulation 2(g) (Description of persons specified for the purposes of section 12B(1) of the Act) of the Community Care (Direct Payments) (Scotland) Regulations 2003(5), for “probation order in terms of sections 228 to 230” substitute “community payback order imposed under section 227A”.

##### **The Community Reparation Orders (Requirements for Consultation and Prescribed Activities) (Scotland) Regulations 2005**

8. Regulation 3 (Prescribed activities) of the Community Reparation Orders (Requirements for Consultation and Prescribed Activities) (Scotland) Regulations 2005(6) is omitted.

##### **The Courts Act 2003 (Consequential Provisions) Order 2005**

9. Paragraph 52 (relating to the Criminal Procedure (Scotland) Act 1995) of the Schedule (Consequential Amendments) to the Courts Act 2003 (Consequential Provisions) Order 2005(7) is omitted.

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(1) S.I. 1989/364.

(2) S.I. 1996/1938.

(3) S.I. 1996/2548.

(4) S.I. 2001/1149.

(5) S.S.I. 2003/243, regulation 2(g) was amended by Schedule 1 paragraph 45(2)(c) of the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Subordinate Legislation\) Order S.S.I 2005/445](#).

(6) S.S.I 2005/18.

(7) S.I. 2005/886.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument:  
*The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential and Supplementary Provisions) Order 2011 No. 25*

**The Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Order 2007**

10. In the Schedule (Persons specified for the purposes of section 10(3) of the Management of Offenders etc. (Scotland) Act 2005) to the Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Order 2007<sup>(8)</sup> for “section 230A(5) (Requirement for remote monitoring in probation order)” substitute “section 227ZI (Remote monitoring)”.

**The Offender Management Act 2007 (Consequential Amendments) Order 2008**

11. In Schedule 1 (Amendments of Acts) to the Offender Management Act 2007 (Consequential Amendments) Order 2008<sup>(9)</sup>, paragraphs 11(3), (4) and (5) (relating to the Criminal Procedure (Scotland) Act 1995) are omitted.

**The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009**

12. In Schedule 5 (Amendments to Acts of Parliament, Acts of the Scottish Parliament and Northern Ireland legislation) to the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009<sup>(10)</sup>, paragraph 3 (Amendment of the Criminal Procedure (Scotland) Act 1995) is omitted.

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<sup>(8)</sup> S.S.I. 2007/92.

<sup>(9)</sup> S.I. 2008/912.

<sup>(10)</sup> S.I. 2009/1182.