***Changes to legislation:** Criminal Justice Act 1982, Cross Heading: Making and amendment of community service orders relating to persons residing in Scotland is up to date with all changes known to be in force on or before 01 June 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) View outstanding changes*

SCHEDULES

SCHEDULE 13 U.K.

COMMUNITY SERVICE ORDERS—RECIPROCAL ARRANGEMENTS

PART III U.K.

RECIPROCAL ARRANGEMENTS (NORTHERN IRELAND)— PERSONS RESIDING IN ENGLAND AND WALES OR SCOTLAND

Making and amendment of community service orders relating to persons residing in Scotland

8 (1) Where a court in Northern Ireland considering the making of a community service order is satisfied that the offender resides, or will be residing when the order comes into force, in Scotland, **[**[F1]Part II of the Criminal Justice (Northern Ireland) Order 1996 shall have effect as if the following were substituted for Article 13(4)—

"(4) A court shall not make a community service order in respect of any offender unless the offender consents and—

(a) the court is satisfied after hearing (if the court thinks it necessary) a probation officer, that the offender is a suitable person to perform work under such an order; and

[[F2](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."**]]**

(2) Where a community service order has been made by a court in Northern Ireland and—

(a) a court of summary jurisdiction [F3]... is satisfied that the offender proposes to reside or is residing in Scotland;

[[F4](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,**]**

it may amend the order by specifying that the unpaid work required to be performed by the order be so performed.

(3) A community service order made or amended in accordance with this paragraph shall—

(a) specify the locality in Scotland in which the offender resides or will be residing when the order or the amendment comes into force; and

(b) require the **[**[F5]local authority (meaning a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994)**]** in whose area the locality specified under paragraph (a) above is situated to appoint or assign

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an officer who will discharge in respect of the order the functions in respect of **[**[F6]community payback orders conferred on the responsible officer by the Criminal Procedure (Scotland) Act 1995**]**.

[[F7](4) In this paragraph "community payback order" means a community payback order imposed under section 227A of the Criminal Procedure (Scotland) Act 1995.**]**

Textual Amendments

F1 Words in Sch. 13 para. 8(1) substituted (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1), **Sch. 5 para. 12(b)**; S.R. 1997/523, **art. 2(i)**

F2 Words in Sch. 13 para. 8(1) substituted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 11(2)(a)** (with art. 4(4))

F3 Words in Sch. 13 para. 8(2)(a) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 88(b), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F4 Sch. 13 para. 8(2)(b) substituted for Sch. 13 para. 8(2)(b)(c) (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 11(2)(b)** (with art. 4(4))

F5 Words in Sch. 13 para. 8(3)(b) substituted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 11(2)(c)(i)** (with art. 4(4))

F6 Words in Sch. 13 para. 8(3)(b) substituted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 11(2)(c)(ii)** (with art. 4(4))

F7 Sch. 13 para. 8(4) inserted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 11(2)(d)** (with art. 4(4))

Changes to legislation:
Criminal Justice Act 1982, Cross Heading: Making and amendment of community service orders relating to persons residing in Scotland is up to date with all changes known to be in force on or before 01 June 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.
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 32(1A)(ca) words inserted by 2021 c. 11 Sch. 13 para. 36