

*Status: This version of this provision no longer has effect.*

**Changes to legislation:** Criminal Justice Act 1991, Paragraph 1 is up to date with all changes known to be in force on or before 14 March 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 3

#### RECIPROCAL ENFORCEMENT OF CERTAIN ORDERS

##### Commencement Information

**II** Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

##### <sup>F1</sup>PART I

#### TRANSFER OF COMMUNITY ORDERS TO SCOTLAND OR NORTHERN IRELAND

##### Textual Amendments

**F1** Sch. 3 Pt. I (paras. 1-6) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

##### Commencement Information

**I2** Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2

#### *Probation orders: Scotland*

1 (1) Where a court considering the making of a probation order is satisfied that the offender resides in Scotland, or will be residing there when the order comes into force, section 2 of the 1973 Act (probation orders) shall have effect as if after subsection (1) there were inserted the following subsection—

“(1A) A court shall not make a probation order in respect of any offender unless it is satisfied that suitable arrangements for his supervision can be made by the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area he resides, or will be residing when the order comes into force.”

(2) Where a probation order has been made and—

- (a) a magistrates' court acting for the petty sessions area specified in the order is satisfied that the offender proposes to reside or is residing in Scotland; and
- (b) it appears to the court that suitable arrangements for his supervision can be made by the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area he proposes to reside or is residing,

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the power of the court to amend the order under Part IV of Schedule 2 to this Act shall include power to amend it by requiring him to be supervised in accordance with arrangements so made.

- (3) Where a court is considering the making or amendment of a probation order in accordance with this paragraph, Schedule 1A to the 1973 Act (additional requirements in probation orders) shall have effect as if—
- (a) any reference to a probation officer were a reference to an officer of the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area the offender resides or will be residing when the order or amendment comes into force;
  - (b) the reference in paragraph 2(5) to the probation committee for the area in which the premises are situated were a reference to the regional or islands council for that area;
  - (c) paragraph 3 (requirements as to attendance at probation centre) were omitted; and
  - (d) the reference in paragraph 5(3) to a mental hospital were a reference to a hospital within the meaning of the Mental Health (Scotland) Act 1984, not being a State hospital within the meaning of that Act.
- (4) A probation 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 amendment comes into force; and
  - (b) specify as the appropriate court for the purposes of subsection (2) of section 183 or 384 of the Criminal Procedure (Scotland) Act 1975 a court of summary jurisdiction (which, in the case of an offender convicted on indictment, shall be the sheriff court) having jurisdiction in the locality specified under paragraph (a) above.

#### **Textual Amendments**

**F1** [Sch. 3 Pt. 1](#) (paras. 1-6) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), [Sch. 12 Pt. 1](#) (with [Sch. 11 paras. 1, 2](#))

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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. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))