



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

#### *[<sup>F1</sup>Community payback orders*

#### **[<sup>F1</sup>227A Community payback orders**

- (1) Where a person (the “offender”) is convicted of an offence punishable by imprisonment, the court may, instead of imposing a sentence of imprisonment, impose a community payback order on the offender.
- (2) A community payback order is an order imposing one or more of the following requirements—
  - (a) an offender supervision requirement,
  - (b) a compensation requirement,
  - (c) an unpaid work or other activity requirement,
  - (d) a programme requirement,
  - (e) a residence requirement,
  - (f) a mental health treatment requirement,
  - (g) a drug treatment requirement,
  - (h) an alcohol treatment requirement,
  - (i) a conduct requirement.
- (3) Subsection (4) applies where—
  - (a) a person (the “offender”) is convicted of an offence punishable by a fine (whether or not it is also punishable by imprisonment), and
  - (b) where the offence is also punishable by imprisonment, the court decides not to impose—
    - (i) a sentence of imprisonment, or

*Status: Point in time view as at 01/09/2015. This version of this provision has been superseded.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 227A is up to date with all changes known to be in force on or before 08 April 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)*

- (ii) a community payback order under subsection (1) instead of a sentence of imprisonment.
- (4) The court may, instead of or as well as imposing a fine, impose a community payback order on the offender imposing one or more of the following requirements—
- (a) an offender supervision requirement,
  - (b) a level 1 unpaid work or other activity requirement,
  - (c) a conduct requirement.
- (5) A justice of the peace court may only impose a community payback order imposing one or more of the following requirements—
- (a) an offender supervision requirement,
  - (b) a compensation requirement,
  - (c) an unpaid work or other activity requirement,
  - (d) a residence requirement,
  - (e) a conduct requirement.
- (6) Subsection (5)(c) is subject to section 227J(4).
- (7) The Scottish Ministers may by order made by statutory instrument amend subsection (5) so as to add to or omit requirements that may be imposed by a community payback order imposed by a justice of the peace court.
- (8) An order is not to be made under subsection (7) unless a draft of the statutory instrument containing the order has been laid before and approved by resolution of the Scottish Parliament.
- (9) In this section and sections 227B to 227ZK, except where the context requires otherwise—
- “ court ” means the High Court, the sheriff or a justice of the peace court,  
 “ imprisonment ” includes detention. ]

#### Textual Amendments

- F1** Ss. 227A-227ZN and cross-headings inserted (1.2.2011 except for the insertion of s. 227ZM, 1.4.2011 in so far as not already in force) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. [14\(1\)](#), [206\(1\)](#); S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

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