



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *[<sup>F1</sup>Unpaid work or other activity requirement*

##### **[<sup>F1</sup>227N Offenders subject to more than one unpaid work or other activity requirement**

(1) This section applies where—

- (a) a court is considering imposing an unpaid work or other activity requirement on an offender (referred to as the “ new requirement ”), and
- (b) at the time the court is considering imposing the requirement, there is already in effect one or more [<sup>F2</sup>of the following orders—
  - (i) a community payback order imposing such a requirement on the same offender;
  - (ii) a community service order under this Act in relation to the same offender;
  - (iii) a probation order under this Act imposing an unpaid work requirement on the same offender;
  - (iv) a supervised attendance order under this Act in relation to the same offender.]

[ In this section references to an “existing requirement” are—

- <sup>F3</sup>(1A) (a) in relation to a community payback order, to the unpaid work or other activity requirement imposed on the offender by the order;
- (b) in relation to a community service order or a probation order, to the unpaid work requirement imposed on the offender by the order;
- (c) in relation to a supervised attendance order, to the requirement imposed on the offender by the order by virtue of section 235(2) of this Act.]

(2) The court may, in imposing the new requirement, direct that it is to be concurrent with any existing requirement.

*Status: Point in time view as at 16/08/2013.*

*Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 227N is up to date with all changes known to be in force on or before 05 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)*

- (3) Where the court makes a direction under subsection (2), hours of unpaid work or other activity undertaken after the new requirement is imposed count for the purposes of compliance with that requirement and the existing requirement.
- (4) Subsection (5) applies where the court does not make a direction under subsection (2).
- (5) The maximum number of hours which may be specified in the new requirement is the number of hours specified in section 227I(4)(b) less the aggregate of the number of hours<sup>F4</sup>... still to be completed under each existing requirement at the time the new requirement is imposed.
- (6) In calculating that aggregate, if any existing requirement is concurrent with another (by virtue of a direction under subsection (2)), hours that count for the purposes of compliance with both (or, as the case may be, all) are to be counted only once.
- (7) Where that maximum number is less than the minimum number of hours that can be specified by virtue of section 227I(4)(a), the court must not impose the new requirement.]

#### 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))
- F2** Words in s. 227N(1)(b) substituted (1.2.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential and Supplementary Provisions\) Order 2011 \(S.S.I. 2011/25\)](#), art. 1, **sch. para. 1(2)(a)** (with art. 3)
- F3** S. 227N(1A) inserted (1.2.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential and Supplementary Provisions\) Order 2011 \(S.S.I. 2011/25\)](#), art. 1, **sch. para. 1(2)(b)** (with art. 3)
- F4** Words in s. 227N(5) repealed (1.2.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential and Supplementary Provisions\) Order 2011 \(S.S.I. 2011/25\)](#), art. 1, **sch. para. 1(2)(c)** (with art. 3)

**Status:**

Point in time view as at 16/08/2013.

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Section 227N is up to date with all changes known to be in force on or before 05 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.