



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

#### *[<sup>F1</sup>Antisocial behaviour orders]*

#### **[<sup>F1</sup>234D Procedural matters relating to drug treatment and testing orders.**

- (1) Before making a drug treatment and testing order, a court shall explain to the offender in ordinary language—
  - (a) the effect of the order and of the requirements proposed to be included in it;
  - (b) the consequences which may follow under section 234G of this Act or 42(4) of the Criminal Justice (Scotland) Act 2003 (asp 7)(powers of drugs court)] if he fails to comply with any of those requirements;
  - (c) that the court has power under section 234E of this Act to vary or revoke the order on the application of either the offender or the supervising officer; and
  - (d) that the order will be periodically reviewed at intervals provided for in the order.
- (2) Upon making a drug treatment and testing order the court shall—
  - (a) give, or send by registered post or the recorded delivery service, a copy of the order to the offender;
  - (b) send a copy of the order to the treatment provider;
  - (c) send a copy of the order to the chief social work officer of the local authority specified in the order in accordance with section 234C(6) of this Act; and
  - (d) where it is not the appropriate court, send a copy of the order (together with such documents and information relating to the case as are considered useful) to the clerk of the appropriate court.
- (3) Where a copy of a drug treatment and testing order has under subsection (2)(a) been sent by registered post or by the recorded delivery service, an acknowledgment or certificate of delivery of a letter containing a copy order issued by the [<sup>F2</sup>postal

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*Status: Point in time view as at 16/08/2013.*

**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Section 234D 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)*

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operator] shall be sufficient evidence of the delivery of the letter on the day specified in such acknowledgement or certificate.

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**Textual Amendments**

- F1** S. 234D inserted (30.9.1998) by 1998 c. 37, s. 91; S.I. 1998/2327, art. 2(1)(s) (subject to arts. 5-8)
- F2** Words in s. 234D(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 104(5) (subject to art. 1(3))

**Status:**

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