



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

[^{F1}Antisocial behaviour orders]

[^{F1}234F Periodic review of drug treatment and testing order.

- (1) A drug treatment and testing order shall—
 - (a) provide for the order to be reviewed periodically at intervals of not less than one month;
 - (b) provide for each review of the order to be made, subject to subsection (5) below, at a hearing held for the purpose by the appropriate court (a “ review hearing ”);
 - (c) require the offender to attend each review hearing;
 - (d) provide for the supervising officer to make to the court, before each review, a report in writing on the offender’s progress under the order; and
 - (e) provide for each such report to include the test results communicated to the supervising officer under section 234C(7)(c) of this Act and the views of the treatment provider as to the treatment and testing of the offender.
- (1A) A review hearing may be held whether or not the prosecutor elects to appear.]
- (2) At a review hearing the court, after considering the supervising officer’s report, may amend any requirement or provision of the order.
- (3) The court—
 - (a) shall not amend the treatment or testing requirement unless the offender expresses his willingness to comply with the requirement as amended;
 - (b) shall not amend any provision of the order so as reduce the treatment and testing period below the minimum specified in section 234B(2)(a) of this Act or to increase it above the maximum so specified; and

Status: Point in time view as at 01/09/2015.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 234F is up to date with all changes known to be in force on or before 07 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)

- (c) except with the consent of the offender, shall not amend any requirement or provision of the order while an appeal against the order is pending.
- (4) If the offender fails to express his willingness to comply with the treatment or testing requirement as proposed to be amended by the court, the court may revoke the order.
- (5) If at a review hearing the court, after considering the supervising officer's report, is of the opinion that the offender's progress under the order is satisfactory, the court may so amend the order as to provide for each subsequent review to be made without a hearing.
- (6) A review without a hearing shall take place in chambers without the parties being present.
- (7) If at a review without a hearing the court, after considering the supervising officer's report, is of the opinion that the offender's progress is no longer satisfactory, the court may issue a warrant for the arrest of the offender or may, if it thinks fit, instead of issuing a warrant in the first instance, issue a citation requiring the offender to appear before that court as such time as may be specified in the citation.
- (8) Where an offender fails to attend—
 - (a) a review hearing in accordance with a requirement contained in a drug treatment and testing order; or
 - (b) a court at the time specified in a citation under subsection (7) above, the court may issue a warrant for his arrest.
- (9) Where an offender attends the court at a time specified by a citation issued under subsection (7) above—
 - (a) the court may exercise the powers conferred by this section as if the court were conducting a review hearing; and
 - (b) so amend the order as to provide for each subsequent review to be made at a review hearing.

Textual Amendments

F1 S. 234F inserted (30.9.1998) by 1998 c. 37, s. 92, S.I. 1998/2327, art. 2(1)(s) (subject to arts. 5-8)

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