



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

[^{F1}Antisocial behaviour orders]

[^{F1}234H Disposal on revocation of drugs treatment and testing order.

- (1) Where the court revokes a [^{F2}drug] treatment and testing order under section 234E(3)(b), 234F(4) or 234G(2)(c) of this Act, it may dispose of the offender in any way which would have been competent at the time when the order was made.
- (2) In disposing of an offender under subsection (1) above, the court shall have regard to the time for which the order has been in operation.
- (3) Where the court revokes a drug treatment and testing order as mentioned in subsection (1) above and the offender is [^{F3}, in respect of the same offence, also subject to a community payback order, by virtue of section 234J, or a restriction of liberty order, by virtue of section 245D, the court shall, before disposing of the offender under subsection (1) above, revoke the community payback order or restriction of liberty order (as the case may be).]
- (4) This section is subject to section 42(8) of the Criminal Justice (Scotland) Act 2003 (asp 7)(powers of drugs court).]

Textual Amendments

- F1** S. 234H inserted (30.9.1998) by 1998 c. 37, s. 93; S.I. 1998/2327, art. 2(1)(s) (subject to arts. 5-8)
- F2** Word in s. 234H(1) substituted (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206(1), Sch. 2 para. 18(a); S.S.I. 2010/413, art. 2, Sch. (with art. 3)
- F3** Words in s. 234H(3) substituted (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206(1), Sch. 2 para. 18(b); S.S.I. 2010/413, art. 2, Sch. (with art. 3)

Status:

Point in time view as at 16/08/2013.

Changes to legislation:

Criminal Procedure (Scotland) Act 1995, Section 234H 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.