



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *[<sup>F1</sup>Restriction of liberty orders]*

##### **[<sup>F1</sup>245G Disposal on revocation of restriction of liberty order.**

- (1) Where the court revokes a restriction of liberty order under section 245E(2)(b) or 245F(2) 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, but in so doing the court shall have regard to the time for which the order has been in operation.
- (2) Where the court revokes a restriction of liberty order as mentioned in subsection (1) above, and the offender is, [<sup>F2</sup>in respect of the same offence, also subject to a community payback order or a drug treatment and testing order, by virtue of section 245D(3), it shall before disposing of the offender under subsection (1) above, revoke the community payback order or drug treatment and testing order.]

[ Where the court orders a [<sup>F4</sup>community payback order] or a drug treatment and testing  
<sup>F3</sup>(3) order revoked the clerk of the court shall forthwith give copies of that order to the persons mentioned in subsection (4) or, as the case may be, (5) of section 245D of this Act.

(4) <sup>F5</sup>.....]]

#### **Textual Amendments**

**F1** Ss. 245A-245I inserted (20.10.1997 for specified purposes and 1.7.1998 otherwise) by 1997 c. 48, s. 5; S.I. 1997/2323, arts. 3, 5(1), Sch. 1

**F2** Words in s. 245G(2) substituted (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206(1), Sch. 2 para. 23(2); S.S.I. 2010/413, art. 2, Sch. (with art. 3)

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*Status: Point in time view as at 16/08/2013.*

**Changes to legislation:** *Criminal Procedure (Scotland) Act 1995, Section 245G 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)*

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- F3** S. 245G(3)(4) added (30.9.1998) by 1998 c. 37, s. 94(2), **Sch. 6 Pt. I para. 4(3)**; S.I. 1998/2327, **art. 2(1)(s)**
- F4** Words in s. 245G(3) substituted (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206(1), **Sch. 2 para. 23(3)**; S.S.I. 2010/413, **art. 2**, Sch. (with art. 3)
- F5** S. 245G(4) repealed (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 14(2), 206(1), **Sch. 2 para. 23(4)**; S.S.I. 2010/413, **art. 2**, Sch. (with art. 3)

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