

1969 No. 1597 (S.132)

CRIMINAL PROCEDURE, SCOTLAND
The Act of Adjournal (Probation Orders) 1969

Made - - - - *7th November 1969*
Coming into Operation *17th November 1969*

ACT OF ADJOURNAL

Relative to Probation Orders

AT EDINBURGH, the SEVENTH day of NOVEMBER, Nineteen hundred and sixty nine years.

Present:

The Right Honourable The Lord Justice-General
 The Right Honourable The Lord Justice-Clerk
 The Honourable Lord Guthrie
 The Honourable Lord Migdale
 The Honourable Lord Cameron.
 The Honourable Lord Johnston

The Lord Justice-General, Lord Justice-Clerk and Lords Commissioners of Justiciary, by virtue of the powers conferred upon them by section 2(2) of the Criminal Justice (Scotland) Act, 1949(a), as substituted by section 95(1) of, and paragraph 22(1) of Schedule 8 to, the Social Work (Scotland) Act, 1968(b), and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

1. A probation order shall be as nearly as may be in the form set forth in the Schedule hereto.
2. This Act of Adjournal may be cited as the Act of Adjournal (Probation Orders) 1969, and shall come into operation on 17th November 1969.

And the Lords appoint this Act of Adjournal to be recorded in the Books of Adjournal, and to be published in the EDINBURGH GAZETTE.

J. L. Clyde,
 I.P.D.

(a) 1949 c. 94.

(b) 1968 c. 49.

SCHEDULE
FORM OF PROBATION ORDER

In the _____ Court at _____ on _____

The Court, [being satisfied that the accused (here insert name and address) has committed the offence with which he is charged] (or as the case may be) [in view of the conviction of the accused (here insert name and address)], and being of the opinion that having regard to the circumstances, including the nature of the offence and the character of the said (name), it is expedient to make a probation order under the Criminal Justice (Scotland) Act 1949 containing the under-noted requirements:

And the Court having explained to the said (name) the effect of the order (including the requirements set out below), and that, if he fails to comply with the order, he may be brought before the Court by his supervising officer for a breach of probation and may be sentenced for the original offence, and that, if he commits another offence during the period of the probation order, he may be dealt with likewise:

And the said (name) having expressed his willingness to comply with the requirements of the order;

The Court therefore orders that for a period of _____ from the date hereof the said (name) who [resides] [is to reside] in the local authority area of _____ shall be under the supervision of an officer [of that local authority allocated for the purpose] [allocated for the purpose as required by the Court at _____ in the said local authority area]; that the said (name) shall be notified in writing by the Clerk of Court of the name and official address of the officer who is to supervise him and similarly if at any time such supervision is to be undertaken by another officer of the local authority allocated for the purpose; and that the said (name) shall comply with the following requirements, namely—

1. to be of good behaviour;
2. to conform to the directions of the supervising officer;
3. to inform the supervising officer at once if he/she changes his/her [residence or] (delete if inappropriate) [place of employment];
4. (here insert any additional requirements).

Date,

(Signature)

EXPLANATORY NOTE

(This Note is not part of the Act of Adjournal.)

This Act of Adjournal prescribes the form of a probation order.