

Changes to legislation: There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Cross Heading: Notification, reports and addresses. (See end of Document for details)

SCHEDULE 1 COURT ORDERS AND ELECTRONIC MONITORING

PART 1

ADDITIONAL PROVISIONS

Notification, reports and addresses

- 4 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
(2) After section 245D there is inserted—

“245DA Further provision about multiple orders

- (1) Subsection (2) applies where the court—
(a) makes any of the listed orders in relation to an offender, and
(b) knows that the offender is already subject to another of the listed orders.
- (2) The clerk of court must send a copy of whichever of the listed orders is then made to—
(a) any person responsible for monitoring the offender's compliance with whichever of the other listed orders the offender is already subject to (so far as the person's identity can reasonably be ascertained), and
(b) the local authority within whose area the offender resides.
- (3) The listed orders are—
(a) a restriction of liberty order,
(b) a community payback order,
(c) a drug treatment and testing order.
- (4) In the listed orders, the reference to a community payback order does not include such an order if imposed under section 227M(2).”.

Commencement Information

II Sch. 1 para. 4 in force at 11.10.2019 by S.S.I. 2019/309, reg. 2, sch.

- 5 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
(2) In section 227ZG, in subsection (2)—
(a) in the opening text, before the word “report” there is inserted “written”,
(b) after paragraph (a) there is inserted—
“(aa) the suitability of the place (particularly with a view to maximising the prospect of the offender's compliance with the requirement and minimising the risk of reoffending by the offender),”.
- (3) In section 227ZH, in subsection (2)—
(a) in the opening text, before the word “report” there is inserted “written”,

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- (b) after paragraph (a) there is inserted—
 - “(aa) the suitability of the new place (particularly with a view to maximising the prospect of the offender's compliance with the requirement and minimising the risk of reoffending by the offender);”.
- (4) In section 245A, in paragraph (a) of subsection (6)—
 - (a) in the opening text, before the word “report” there is inserted “written”,
 - (b) after sub-paragraph (i) there is inserted—
 - “(ia) the suitability of what is proposed (particularly with a view to maximising the prospect of the offender's compliance with the order and minimising the risk of reoffending by the offender);”.
- (5) In section 245E—
 - (a) in paragraph (a) of subsection (4A)—
 - (i) in the opening text, before the word “report” there is inserted “written”,
 - (ii) after sub-paragraph (i) there is inserted—
 - “(ia) the suitability of what is proposed (particularly with a view to maximising the prospect of the offender's compliance with the order and minimising the risk of reoffending by the offender);”.
 - (b) in sub-paragraph (i) of paragraph (a) of subsection (6), for the words from “the place” to the end there is substituted “ the same matters as are to be included in a report under subsection (4A)(a); ”.

Commencement Information

I2 Sch. 1 para. 5 in force at 11.10.2019 by S.S.I. 2019/309, reg. 2, sch.

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