

CORONAVIRUS (SCOTLAND) ACT 2020

EXPLANATORY NOTES

DETAIL ABOUT PROVISIONS

Schedule 4 – Justice

Part 6 – Community orders

Community orders: postponement

159. Paragraph 14 enables the Scottish Ministers, by regulations, to postpone the effects of CPOs or drug treatment and testing orders (“DTTOs”). The orders to be affected by such a postponement can be specified by reference to the type of order (e.g. Community Payback Order); the requirements imposed under an order (e.g. supervision requirements); the type of offender; and the type of offence the offender has been convicted of.
160. During the period of postponement, which cannot be longer than 6 months, no time elapses with regard to any relevant time periods specified in the order. For example, if a CPO contained an offender supervision requirement which, at the point of postponement, had 3 months left to run, that position would be maintained until the end of the postponement period, at which point 3 months would still remain. During the period of postponement, the offender is not subject to any of the requirements of the order and so cannot breach the order.
161. The regulations cannot postpone an unpaid work or other activity requirement; the modifications of such requirements as a result of coronavirus are dealt with separately under paragraph 12.
162. The regulations can be made only if the Scottish Ministers are satisfied that, if no action were taken, it is likely that there would be non-compliance with the requirements of community orders as a result of the coronavirus pandemic, or that such regulations are necessary as a result of the impact of the pandemic on local authorities (which deliver community orders through justice social work) or on the Scottish Courts and Tribunals Service.
163. Subparagraph (7) places a duty on local authorities to inform those subject to the relevant CPOs or DTTOs of the changes made under any such regulations (e.g. that certain requirements in their order have been postponed, and for how long).