

SCHEDULE 4 JUSTICE

PART 6

COMMUNITY ORDERS

Community payback orders: extension of unpaid work or other activity requirements

- 12 (1) Sub-paragraph (2) applies to a community payback order—
- (a) imposed on or before the day of Royal Assent,
 - (b) which imposes an unpaid work or other activity requirement (regardless of whether or not it also imposes any other requirement), and
 - (c) where the specified period to complete the requirement ends after that day.
- (2) The order is to be read as if the specified period were extended by 12 months.
- (3) The Scottish Ministers may by regulations provide that, in relation to a community payback order to which sub-paragraph (4) applies, the order is to be read as if the specified period to complete the unpaid work or other activity requirement (read in accordance with sub-paragraph (2) if it applies to the order) were extended by the amount of time specified in the regulations.
- (4) This sub-paragraph applies to a community payback order—
- (a) imposed on or before the day on which the regulations come into force,
 - (b) which imposes an unpaid work or other activity requirement (regardless of whether or not it also imposes any other requirement), and
 - (c) where the specified period to complete the requirement (read in accordance with sub-paragraph (2) if it applies to the order) ends after that day.
- (5) Regulations under sub-paragraph (3) may be made only if the Scottish Ministers are satisfied that—
- (a) if the regulations were not made, it is likely that there will be a failure to comply with an unpaid work or other activity requirement in one or more community payback orders as a result of coronavirus, or
 - (b) the making of the regulations is necessary in response to the effect of coronavirus on local authorities or the Scottish Courts and Tribunals Service.
- (6) Regulations under sub-paragraph (3) are subject to the affirmative procedure.
- (7) The relevant local authority in relation to a community payback order to which sub-paragraph (2) or regulations made under sub-paragraph (3) applies must inform the offender of the effect of sub-paragraph (2) or, as the case may be, the regulations on the order.