

SCHEDULE 4 JUSTICE

PART 6

COMMUNITY ORDERS

Community orders: postponement

- 14 (1) The Scottish Ministers may by regulations postpone the effect of community payback orders and drug treatment and testing orders.
- (2) The regulations—
- (a) may make different provision for different descriptions of—
 - (i) order,
 - (ii) requirement imposed under an order,
 - (iii) offender in respect of whom the order is imposed,
 - (iv) offence the offender is convicted of,
 - (b) may provide for all requirements imposed by an order to be postponed or for specified requirements to be postponed,
 - (c) may not postpone unpaid work or other activity requirements,
 - (d) must specify—
 - (i) the day on which the requirements imposed by the orders are suspended, and
 - (ii) the day on which the requirements resume effect (which day must be no later than 6 months after the day specified by virtue of sub-paragraph (i)),
 - (e) may be made in relation to orders and requirements imposed by orders that have previously been postponed by virtue of regulations made under sub-paragraph (1).
- (3) The period during which a requirement is suspended by virtue of regulations under sub-paragraph (1) does not count as elapsed time in relation to any period specified as part of the requirement and any references in an order to periods or dates is to be read accordingly.
- (4) During a period in which a requirement is suspended by virtue of regulations under sub-paragraph (1), the offender on whom the requirement was imposed does not need to comply with the requirement (and therefore section 227ZC of the Criminal Procedure (Scotland) Act 1995 does not apply).
- (5) Regulations under sub-paragraph (1) 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 a requirement imposed by one or more of the orders to which the regulations apply 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 (1) are subject to the affirmative procedure.

Status: This is the original version (as it was originally enacted).

- (7) The relevant local authority in relation to a community payback order or drug treatment and testing order to which regulations made under sub-paragraph (1) applies must inform the offender of the effect of the regulations on the order.