

SCHEDULE 4 JUSTICE

PART 6

COMMUNITY ORDERS

Community orders: variation

- 15 (1) The Scottish Ministers may by regulations vary requirements imposed in community payback orders and drug treatment and testing orders.
- (2) Regulations under sub-paragraph (1) may—
- (a) 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) revoke orders,
 - (c) revoke requirements.
- (3) Regulations under sub-paragraph (1) may not—
- (a) modify the amount of compensation required to be paid under a compensation requirement,
 - (b) increase the total amount of hours specified in an unpaid work or other activity requirement,
 - (c) increase or extend the period for which a requirement is imposed,
 - (d) increase the period during which an offender must be at a specified place or not be at a specified place or class of place under a restricted movement requirement.
- (4) Regulations under sub-paragraph (1) may be made only if the Scottish Ministers are satisfied that—
- (a) the variations will not make the orders to which the regulations apply more onerous to comply with, and
 - (b) either—
 - (i) 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
 - (ii) the making of the regulations is necessary in response to the effect of coronavirus on local authorities or the Scottish Courts and Tribunals Service.
- (5) Regulations under sub-paragraph (1) are subject to the affirmative procedure.
- (6) 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) apply must inform the offender of the effect of the regulations on the order.