

SCHEDULE

PART 1

Primary legislation

The Criminal Procedure (Scotland) Act 1995

1.—(1) The Criminal Procedure (Scotland) Act 1995(1) is amended as follows.

(2) In section 227N(2) (Offenders subject to more than one unpaid work or other activity requirement)—

(a) in subsection (1)(b), for the words from “community” to the end substitute—

“of the following orders—

- (i) a community payback order imposing such a requirement on the same offender;
- (ii) a community service order under this Act in relation to the same offender;
- (iii) a probation order under this Act imposing an unpaid work requirement on the same offender;
- (iv) a supervised attendance order under this Act in relation to the same offender.”;

(b) after subsection (1) insert—

“(1A) In this section references to an “existing requirement” are—

- (a) in relation to a community payback order, to the unpaid work or other activity requirement imposed on the offender by the order;
- (b) in relation to a community service order or a probation order, to the unpaid work requirement imposed on the offender by the order;
- (c) in relation to a supervised attendance order, to the requirement imposed on the offender by the order by virtue of section 235(2) of this Act.”; and

(c) in subsection (5), the words “of unpaid work or activity” are repealed.

(3) In section 227ZC(3) (Breach of community payback order) after subsection (9) insert—

“(9A) Where under subsection (8)(a) the court revokes the order and imposes on the offender a period of imprisonment, liability to pay the fine in respect of which the order was imposed (or, as the case may be, any instalments of the fine that are unpaid on the date that the period of imprisonment is imposed) is discharged.”.

The Sexual Offences Act 2003

2.—(1) The Sexual Offences Act 2003(4) is amended as follows—

(2) In section 82(1) (The notification period), in the Table, in the entry relating to a person in whose case an order for conditional discharge is made—

(a) in the first column, for “a probation order” substitute “a community payback order imposing an offender supervision requirement”; and

(1) 1995 c.46.

(2) Section 227N was inserted by section 14 of the [Criminal Justice and Licensing \(Scotland\) Act 2010 asp 13](#).

(3) Section 227ZC was inserted by section 14 of the [Criminal Justice and Licensing \(Scotland\) Act 2010 asp 13](#).

(4) 2003 c.42.

- (b) in the second column for “the probation period” substitute “the specified period for the offender supervision requirement”.
- (3) In section 111(c) (Appeals in relation to SOPOs and interim SOPOs: Scotland)—
 - (a) in sub-paragraph (i)(5), for “section 106(1)(d) of the Criminal Procedure (Scotland) Act 1995 (c.46) (appeal against probation and community service orders)” substitute “section 106(1)(dza) of the Criminal Procedure (Scotland) Act 1995 (c.46) (appeal against community payback order)”; and
 - (b) in sub-paragraph (ii), for “section 175(2)(c) of that Act (appeal against probation, community service and other orders)” substitute “section 175(2)(cza) of that Act (appeal against community payback order)”.
- (4) In section 113(3) (Offence: breach of SOPO or interim SOPO), for “probation order” substitute “community payback order”.
- (5) In section 122(3) (Offence: breach of foreign travel order), for “probation order” substitute “community payback order”.
- (6) In section 133(1) (Part 2: general interpretation)—
 - (a) in the definition of “community order”, for paragraph (b) substitute—
 - “(b) a community payback order made under the Criminal Procedure (Scotland) Act 1995 (c.46);”;
 - (b) the definitions of “probation order” and “probation period” are repealed; and
 - (c) at the appropriate place, insert:—
 - ““specified”, in relation to an offender supervision requirement, means specified in the requirement.”.
- (7) In section 134(1) (Conditional discharges and probation orders)—
 - (a) the words “or, in Scotland, a probation order” are repealed; and
 - (b) in paragraph (c), the words “probation order or” are repealed.

(5) Paragraph (c) of section 111 was inserted by section 17(2)(c) of the [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 asp 9](#).