

*Status: Point in time view as at 01/10/1992. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 1991, Paragraph 1 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### RECIPROCAL ENFORCEMENT OF CERTAIN ORDERS

##### Commencement Information

**II** [Sch. 3](#) (paras. 1 - 11) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#).

#### PART I

##### TRANSFER OF COMMUNITY ORDERS TO SCOTLAND OR NORTHERN IRELAND

##### Commencement Information

**II** [Sch. 3](#) (paras. 1 - 11) wholly in force at 1.10.1992 see [s. 102\(2\)\(3\)](#) and [S.I. 1992/333](#), [art. 2\(2\)](#), [Sch. 2](#).

##### *Probation orders: Scotland*

- 1 (1) Where a court considering the making of a probation order is satisfied that the offender resides in Scotland, or will be residing there when the order comes into force, section 2 of the 1973 Act (probation orders) shall have effect as if after subsection (1) there were inserted the following subsection—
- “(1A) A court shall not make a probation order in respect of any offender unless it is satisfied that suitable arrangements for his supervision can be made by the regional or islands council in whose area he resides, or will be residing when the order comes into force.”
- (2) Where a probation order has been made and—
- (a) a magistrates’ court acting for the petty sessions area specified in the order is satisfied that the offender proposes to reside or is residing in Scotland; and
- (b) it appears to the court that suitable arrangements for his supervision can be made by the regional or islands council in whose area he proposes to reside or is residing,
- the power of the court to amend the order under Part IV of Schedule 2 to this Act shall include power to amend it by requiring him to be supervised in accordance with arrangements so made.
- (3) Where a court is considering the making or amendment of a probation order in accordance with this paragraph, Schedule 1A to the 1973 Act (additional requirements in probation orders) shall have effect as if—

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- (a) any reference to a probation officer were a reference to an officer of the regional or islands council in whose area the offender resides or will be residing when the order or amendment comes into force;
  - (b) the reference in paragraph 2(5) to the probation committee for the area in which the premises are situated were a reference to the regional or islands council for that area;
  - (c) paragraph 3 (requirements as to attendance at probation centre) were omitted; and
  - (d) the reference in paragraph 5(3) to a mental hospital were a reference to a hospital within the meaning of the <sup>M1</sup>Mental Health (Scotland) Act 1984, not being a State hospital within the meaning of that Act.
- (4) A probation order made or amended in accordance with this paragraph shall—
- (a) specify the locality in Scotland in which the offender resides or will be residing when the order or amendment comes into force; and
  - (b) specify as the appropriate court for the purposes of subsection (2) of section 183 or 384 of the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975 a court of summary jurisdiction (which, in the case of an offender convicted on indictment, shall be the sheriff court) having jurisdiction in the locality specified under paragraph (a) above.

**Commencement Information**

**II** Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

**Marginal Citations**

**M1** 1984 c. 36.

**M2** 1975 c. 21.

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