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**Changes to legislation:** Criminal Justice Act 1991, Cross Heading: Probation orders is up to date with all changes known to be in force on or before 30 December 2023. 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 3

#### RECIPROCAL ENFORCEMENT OF CERTAIN ORDERS

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##### 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 II

##### TRANSFER OF CORRESPONDING ORDERS FROM SCOTLAND

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##### 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*

- 7 (1) The Criminal Procedure (Scotland) Act 1975 shall be amended as follows.
- (2) In each of sections 183 and 384 (which provide, respectively, for probation orders in solemn and in summary proceedings), in subsection (1A) for the words “by the local authority in whose area he resides or is to reside” there shall be substituted the following paragraphs—
- “(a) in a case other than that mentioned in paragraph (b) below, by the local authority in whose area he resides or is to reside; or
  - (b) in a case where, by virtue of section 188(1) of this Act, subsection (2) of this section would not apply, by the probation committee for the area which contains the petty sessions area which would be named in the order”.
- (3) In each of sections 188 and 389 (which provide, respectively, for probation orders relating to persons residing in England being made in solemn and in summary proceedings)—
- (a) in subsection (1)—
    - (i) for the words “that the offender shall perform unpaid work” there shall be substituted the words “which, while corresponding to a requirement mentioned in paragraph 2 or 3 of Schedule 1A to the <sup>M1</sup>Powers of Criminal Courts Act 1973, would if included in a probation order made under that Act fail to accord with a restriction as to days of presentation, participation or attendance mentioned in paragraph 2(4)(a) or (6)(a), or as the case may be 3(3)(a), of that Schedule”;

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- (ii) for the word “17” there shall be substituted the word “16”
- (iii) the word “and”, where it secondly occurs, shall cease to have effect; and
- (iv) at the end there shall be added the words “; and where the order includes a requirement that the probationer perform unpaid work for a number of hours, the number specified shall not exceed one hundred.”;
- (b) in subsection (2)—
  - (i) for the words “that the probationer has attained the age of 17 years and proposes to reside in or is residing in England” there shall be substituted the following paragraphs—
    - “(a) that the probationer has attained the age of 16 years;
    - (b) that he proposes to reside, or is residing, in England; and
    - (c) that suitable arrangements for his supervision can be made by the probation committee for the area which contains the petty sessions area in which he resides or will reside”; and
  - (ii) after the word “section”, where it secondly occurs, there shall be inserted the words “or to vary any requirement for performance of unpaid work so that such hours as remain to be worked do not exceed one hundred”;
- (c) in subsection (3)—
  - (i) in paragraph (a), for the words “section 3(2) of” and “section 3 of” there shall be substituted, respectively, the words “paragraph 5(3) of Schedule 1A to” and “paragraph 5 of Schedule 1A to”; and
  - (ii) in paragraph (b), for the words “subsections (4) to (6) of section 3 of” there shall be substituted the words “sub-paragraphs (5) to (7) of paragraph 5 of Schedule 1A to”;
- (d) in subsection (4), for the words from “the Powers” to the end of the proviso there shall be substituted the words “Schedule 2 to the Criminal Justice Act 1991 shall apply to the order—
  - (a) except in the case mentioned in paragraph (b) below, as if that order were a probation order made under section 2 of the Powers of Criminal Courts Act 1973; and
  - (b) in the case of an order which contains a requirement such as is mentioned in subsection (5A) of section 183 or 384 of this Act, as if it were a combination order made under section 11 of the said Act of 1991:

Provided that Part III of that Schedule shall not so apply; and sub-paragraphs (3) and (4) of paragraph 3 of that Schedule shall so apply as if for the first reference in the said sub-paragraph (3) to the Crown Court there were substituted a reference to a court in Scotland and for the other references in those sub-paragraphs to the Crown Court there were substituted references to the court in Scotland.”;

- (e) in subsection (5), for the words from “for which” to “this section” there shall be substituted the words “named in a probation order made or amended under this section that the person to whom the order relates”.

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(4) Sections 189 and 390 (which make further provision as to probation orders in, respectively, solemn and summary proceedings) shall cease to have effect.

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**Commencement Information**

**I1** [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](#).

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**Marginal Citations**

**M1** [1973 c. 62](#).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))