

SCHEDULE

MODIFICATIONS

PART 4

COMMUNITY PAYBACK ORDER CONSEQUENTIAL MODIFICATIONS

PUBLIC GENERAL ACTS

Criminal Justice Act 1982

11.—(1) Part 3 of Schedule 13 (reciprocal arrangements (Northern Ireland) – persons residing in England and Wales or Scotland) to the Criminal Justice Act 1982⁽¹⁾ is amended as follows.

(2) In paragraph 8—

(a) in sub-paragraph (1), for paragraph (b) and (c) of the Article 13(4) that is to be treated as substituted by that provision, substitute—

“(b) it appears to the court that provision can be made for the offender to perform work in the locality in Scotland where the offender resides, or will reside, under arrangements for persons to comply with a community payback order in the locality.”;

(b) in sub-paragraph (2), for paragraphs (b) and (c) substitute—

“(b) it appears to the court that provision can be made for the offender to perform work in the locality in Scotland where the offender resides, or will reside, under arrangements for persons to comply with a community payback order in the locality.”;

(c) in sub-paragraph (3)(b)—

(i) for “regional or islands council” substitute “local authority (meaning a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994)”;

(ii) for “community service orders conferred on the local authority officer by the Community Service by Offenders (Scotland) Act 1978” substitute “community payback orders conferred on the responsible officer by the Criminal Procedure (Scotland) Act 1995”;

(d) after sub-paragraph (3) insert—

“(4) In this paragraph “community payback order” means a community payback order imposed under section 227A of the Criminal Procedure (Scotland) Act 1995.”.

(3) In paragraph 9—

(a) in sub-paragraph (3)(b)—

(i) for “community service order” in the second place the expression appears substitute “community payback order”; and

(ii) for “community service orders” substitute “community payback orders”;

(b) in sub-paragraph (4)(a), for “community service orders or, as the case may be, community orders or youth rehabilitation orders” substitute “community orders or youth rehabilitation orders (in England and Wales) or community payback orders (in Scotland)”;

(1) 1982 c.48, relevant amendments were made by S.I. 1996/3160 (N.I.24) Schedule 5 paragraph 12(b).

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- (c) in sub-paragraph (5), for “community service order or, as the case may be, a community order or youth rehabilitation order” substitute “community order or youth rehabilitation order (in England and Wales) or a community payback order (in Scotland)”;
- (d) in sub-paragraph (6)—
 - (i) for “community service orders or, as the case may be, community orders or youth rehabilitation orders” substitute “community orders or youth rehabilitation orders (in England and Wales) or community payback orders (in Scotland)”;
 - (ii) in paragraph (a)(ii), for the words from “on oath” to the end substitute “from an officer appointed or assigned under paragraph 8(3)(b)”;
 - (iii) in paragraph (b)(ii), for the words “the local authority officer” substitute “an officer appointed or assigned under paragraph 8(3)(b)”;
- (e) after paragraph (7) insert—

“(8) In this paragraph “community payback order” means a community payback order imposed under section 227A of the Criminal Procedure (Scotland) Act 1995.”.