
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 418

**Act of Adjournal (Criminal Procedure Rules
Amendment No. 4) (Miscellaneous) 2010**

Community payback orders

- 2.—(1) In rule 2.6 (forms of execution of service)(1) in paragraph (5)—
- (a) omit subparagraphs (b), (c) and (d);
 - (b) for subparagraph (g) substitute—
 - “(h) rule 20.22(2) (community payback orders: failure to attend progress review) shall be in Form 2.6-EH;
 - (i) rule 20.22(4) (community payback orders: breach of community payback order) shall be in Form 2.6-EI.”.
- (2) In the appendix, after Form 2.6-EF insert Form 2.6-EH and Form 2.6-EI set out in Part 1 of the Schedule to this Act of Adjournal and omit Form 2.6-EB, Form 2.6-EC and Form 2.6-ED.
- (3) Omit rule 6.5 (failure to comply with probation order).
- (4) In rule 19A.1 (power of Clerk of Justiciary to alter place where case to be heard)(2), in paragraph (1)(c)—
- (a) omit paragraphs (i) and (ii);
 - (b) for paragraph (iv) substitute—
 - “(v) a community payback order.”.
- (5) In Chapter 20 (sentencing)(3) omit—
- (a) rule 20.10 (probation orders)(4);
 - (b) rule 20.11 (supervised attendance orders)(5);
 - (c) rule 20.12 (community service orders);
 - (d) rule 20.12C (community reparation orders)(6).
- (6) After rule 20.21 (orders for lifelong restriction)(7) insert—

“Community payback orders

20.22.—(1) A community payback order made under section 227A of the Act of 1995 shall be in Form 20.22-A.

(2) The citation of an offender to appear before a court under section 227X(7)(a) (failure to attend progress review) of the Act of 1995 shall be in Form 20.22-B.

(1) Rule 2.6, last amended by [S.S.I. 2005/160](#).
(2) Rule 19A.1 was inserted by [S.S.I. 2003/468](#), last amended by [S.S.I. 2010/184](#).
(3) Chapter 20, last amended by [S.S.I. 2008/61](#).
(4) Rule 20.10, last amended by [S.S.I. 2003/468](#).
(5) Rule 20.11 was substituted by [S.S.I. 2003/468](#).
(6) Rule 20.12C was inserted by [S.S.I. 2005/160](#).
(7) Rule 20.21 was inserted by [S.S.I. 2006/302](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) An application under section 227Y(1) (applications to vary, revoke and discharge community payback orders) of the Act of 1995 shall be in Form 20.22-C.

(4) The citation of an offender to appear before a court under section 227ZC(2)(b) (breach of community payback order) of the Act of 1995 shall be in Form 20.22-D.”.

(7) In the appendix, after Form 20.21(8) insert Form 20.22-A, Form 20.22-B, Form 20.22-C and Form 20.22-D set out in Part 1 of the Schedule to this Act of Adjournal.

(8) Rules 2.6, 6.5 and 19A.1, and Chapter 20 as they applied immediately before 13 December 2011 continue to have effect where necessary in consequence of article 3 of the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No.6, Transitional and Savings Provisions) Order 2010(9).

(8) Form 20.21 was inserted by [S.S.I. 2006/302](#).

(9) [S.S.I. 2010/413](#).