

EXECUTIVE NOTE

THE COMMUNITY PAYBACK ORDERS (PRESCRIBED PERSONS FOR CONSULTATION) (SCOTLAND) REGULATIONS 2011

SSI 2011/1

The above instrument was made by Scottish Ministers in exercise of the powers conferred by section 227ZL(2) of the Criminal Procedure (Scotland) Act 1995 and all other powers enabling them to do so. The instrument is subject to negative resolution procedure.

Policy Objectives

Local authorities have a requirement under the Criminal Procedure (Scotland) Act 1995 to consult prescribed persons about the nature of unpaid work and other activity that those subject to a community payback order are to undertake. That requirement will commence from 1 February 2011.

This instrument is designed to set out the list of prescribed persons that local authorities must consult to fulfil their requirement under the Act.

The instrument lists those that must be consulted but it is not designed to constrain local authorities' activities in that regard. Accompanying guidance will make clear that local authorities are being encouraged to consult more widely.

Financial Effects

While the Regulations prescribe the person(s) that local authorities should consult, they do not prescribe the method for doing so. Local authorities can select options that have low or negligible cost and still fulfil their obligations under this legislation. This instrument therefore has no significant financial effects on the Scottish Government, local government or on business.

Scottish Government Community Justice Division
January 2011