

SCHEDULES

SCHEDULE 6

Section 62.

SUPERVISED ATTENDANCE ORDERS: FURTHER PROVISIONS

- 1 (1) A court shall not make a supervised attendance order in respect of any offender unless—
 - (a) the court has been notified by the Secretary of State that arrangements exist for persons who reside in the locality in which the offender resides, or will be residing when the order comes into force, to carry out the requirements of such an order;
 - (b) the court is satisfied that provision can be made under the arrangements mentioned in paragraph (a) above for the offender to carry out such requirements.
- (2) Before making a supervised attendance order, the court shall explain to the offender in ordinary language—
 - (a) the purpose and effect of the order and in particular the obligations on the offender as specified in paragraph 3 below;
 - (b) the consequences which may follow under paragraph 4 below if he fails to comply with any of those requirements; and
 - (c) that the court has, under paragraph 5 below, the power to review the order on the application either of the offender or of an officer of the local authority in whose area the offender for the time being resides.
- (3) The Secretary of State may by order direct that subsection (2) of section 6 of this Act shall be amended by substituting, for any number of hours specified in that subsection such other number of hours as may be specified in the order; and an order under this subsection may in making such amendment specify different such numbers of hours for different classes of case.
- (4) An order under paragraph (3) above shall be made by statutory instrument, but no such order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.
- 2 (1) A supervised attendance order shall—
 - (a) specify the locality in which the offender resides or will be residing when the order comes into force; and
 - (b) require the local authority in whose area the locality specified under paragraph (a) above is situated to appoint or assign a supervising officer.
- (2) Where, whether on the same occasion or on separate occasions, an offender is made subject to more than one supervised attendance order, the court may direct that the requirements specified in any of those orders shall be concurrent with or additional to those specified in any other of those orders, but so that at no time shall the offender have an outstanding number of hours during which he must carry out the requirements of these orders in excess of the largest number specified in section 62 of this Act.

Status: This is the original version (as it was originally enacted).

- (3) Upon making a supervised attendance order the court shall—
- (a) give a copy of the order to the offender;
 - (b) send a copy of the order to the director of social work of the local authority in whose area the offender resides or will be residing when the order comes into force; and
 - (c) where it is not the appropriate court, send a copy of the order (together with such documents and information relating to the case as are considered useful) to the clerk of the appropriate court.
- 3 (1) An offender in respect of whom a supervised attendance order is in force shall report to the supervising officer and notify him without delay of any change of address or in the times, if any, at which he usually works.
- (2) Subject to paragraph 5(1) below, instructions given under a supervised attendance order shall be carried out during the period of twelve months beginning with the date of the order; but, unless revoked, the order shall remain in force until the offender has carried out the instructions given under it for the number of hours specified in it.
- (3) The instructions given by the supervising officer under the order shall, so far as practicable, be such as to avoid any conflict with the offender's religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.
- 4 (1) If at any time while a supervised attendance order is in force in respect of any offender it appears to the appropriate court, on evidence on oath from the supervising officer, that that offender has failed to comply with any of the requirements of paragraph 3 above or of the order (including any failure satisfactorily to carry out any instructions which he has been given by the supervising officer under the order), the court may issue a warrant for the arrest of that offender, or may, if it thinks fit, instead of issuing a warrant in the first instance issue a citation requiring the offender to appear before that court at such time as may be specified in the citation.
- (2) If it is proved to the satisfaction of the court before which an offender is brought or appears in pursuance of sub-paragraph (1) above that he has failed without reasonable excuse to comply with any of the requirements of paragraph 3 above or of the order (including any failure satisfactorily to carry out any instructions which he has been given by the supervising officer under the order), the court may—
- (a) revoke the order and impose such period of imprisonment as could, in respect of the original default or failure, have been imposed by the court which made the order if the order had not been made; or
 - (b) subject to section 62 of this Act and paragraph 2(2) above, vary the number of hours specified in the order.
- (3) The evidence of one witness shall, for the purposes of sub-paragraph (2) above, be sufficient evidence.
- 5 (1) Where a supervised attendance order is in force in respect of any offender and, on the application of that offender or of the supervising officer, it appears to the appropriate court that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made, that court may—
- (a) extend, in relation to the order, the period of twelve months specified in paragraph 3 above;
 - (b) subject to section 62 of this Act and paragraph 2(2) above, vary the number of hours specified in the order;

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- (c) revoke the order; or
 - (d) revoke the order and impose such period of imprisonment as could, in respect of the original default or failure, have been imposed by the court which made the order if the order had not been made.
 - (2) If the appropriate court is satisfied that the offender proposes to change, or has changed, his residence from the locality for the time being specified under paragraph 2(1)(a) above to another locality and—
 - (a) that court has been notified by the Secretary of State that arrangements exist for persons who reside in that other locality to carry out instructions under supervised attendance orders; and
 - (b) it appears to that court that provision can be made under those arrangements for him to carry out instructions under the order;that court may, and on application of the supervising officer shall, amend the order by substituting that other locality for the locality for the time being specified in the order; and the provisions of section 62 of this Act and of this Schedule shall apply to the order as amended.
 - (3) Where the court proposes to exercise its powers under sub-paragraph (1)(a), (b) or (d) above otherwise than on the application of the offender, it shall issue a citation requiring him to appear before the court and, if he fails to appear, may issue a warrant for his arrest.
- 6
- (1) The Secretary of State may make rules for regulating the carrying out of the requirements of supervised attendance orders.
 - (2) Without prejudice to the generality of subsection (1) above, rules under this section may—
 - (a) limit the number of hours during which the requirements of an order are to be met on any one day;
 - (b) make provision as to the reckoning of time for the purposes of the carrying out of these requirements;
 - (c) make provision for the payment of travelling and other expenses in connection with the carrying out of these requirements;
 - (d) provide for records to be kept of what has been done by any person carrying out these requirements.
 - (3) Rules under this paragraph shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- 7
- The Secretary of State shall lay before Parliament each year, or incorporate in annual reports he already makes, a report of the operation of section 62 of this Act and this Schedule.
- 8
- In section 27 of the Social Work (Scotland) Act 1968 (supervision of persons put on probation, released from prison or subject to community service orders)—
- (a) in subsection (1)(b) there shall be inserted at the end the following “; and
 - (iv) without prejudice to paragraphs (i) to (iii) above, persons in their area who are subject to supervised attendance orders under section 62 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.”;

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- (b) for the words “probation and community service scheme”, wherever they occur, there shall be substituted the words “probation, community service and supervised attendance scheme”.

9 (1) In this Schedule—

“the appropriate court”, in relation to a supervised attendance order, means the court having jurisdiction in the locality for the time being specified in the order under paragraph 2(1)(a) above, being a sheriff or district court according to whether the order has been made by a sheriff or a district court, but in a case where the order has been made by a district court and there is no district court in that locality, the sheriff court;

“local authority” and “supervising officer” have the same meanings respectively as in section 62 of this Act.

- (2) Except where the context otherwise requires, expressions used in this Schedule and in the Criminal Procedure (Scotland) Act 1975 have the same meanings in this Schedule as in that Act.