



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *[<sup>F1</sup>Restriction of liberty orders]*

##### **[<sup>F1</sup>245F Breach of restriction of liberty order.**

(1) If at any time when a restriction of liberty order is in force it appears

[<sup>F2</sup>(a)] [<sup>F3</sup>except in a case to which paragraph (b) below applies,] to the court which made the order[<sup>F4</sup> or]

[<sup>F5</sup>(b)] where a copy of the order was, under section 245A(5)(a)(ii) or 245E(7)(a) of this Act, sent to the clerk of a different court, to that different court (or, if there has been more than one such sending, the different court to which such a copy has most recently been so sent),]

that the offender has failed to comply with any of the requirements of the order the court [<sup>F6</sup>in question] may issue a citation requiring the offender to appear before [<sup>F7</sup>it] at such time as may be specified in the citation or, if it appears to [<sup>F8</sup>that court] to be appropriate, it may issue a warrant for the arrest of the offender.

[ The unified citation provisions apply in relation to a citation under this section as they <sup>F9</sup>(1A) apply in relation to a citation under section 216(3)(a) of this Act.]

(2) If it is proved to the satisfaction of [<sup>F10</sup>that court] that the offender has failed without reasonable excuse to comply with any of the requirements of the order [<sup>F11</sup>it] may by order—

- (a) without prejudice to the continuance in force of the order, impose a fine not exceeding level 3 on the standard scale;
- (b) vary the restriction of liberty order; or
- (c) revoke that order.

**Changes to legislation:** Criminal Procedure (Scotland) Act 1995, Section 245F is up to date with all changes known to be in force on or before 01 August 2024. 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

[ For the purposes of subsection (2) above, evidence of one witness shall be sufficient <sup>F12</sup>(2A) evidence.]

- (3) A fine imposed under this section in respect of a failure to comply with the requirements of a restriction of liberty order shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by or in respect of a conviction or a penalty imposed on a person summarily convicted.
- (4) Where [<sup>F13</sup>a court] varies a restriction of liberty order under subsection (2) above it may do so in any of the ways mentioned in paragraph (a) of section 245E(2) of this Act.]

#### Textual Amendments

- F1** Ss. 245A-245I and preceding cross-heading inserted (20.10.1997 for specified purposes and 1.7.1998 otherwise) by 1997 c. 48, s. 5; S.I. 1997/2323, arts. 3, 5(1), Sch. 1
- F2** Words in s. 245F(1) renumbered (27.6.2003) as s. 245F(1)(a) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 43(1)(a)(i), 89; S.S.I. 2003/288, art. 2, Sch.
- F3** Words in s. 245F(1) inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 43(4)(a)(i), 89; S.S.I. 2003/288, art. 2, Sch.
- F4** Word in s. 245F(1) inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 43(4)(a)(ii), 89; S.S.I. 2003/288, art. 2, Sch.
- F5** S. 245F(1)(b) inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 43(4)(a)(ii), 89; S.S.I. 2003/288, art. 2, Sch.
- F6** Words in s. 245F(1) inserted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 43(4)(a)(iii), 89; S.S.I. 2003/288, art. 2, Sch.
- F7** Words in s. 245F(1) substituted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 43(4)(a)(iv), 89; S.S.I. 2003/288, art. 2, Sch.
- F8** Words in s. 245F(1) substituted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 43(4)(a)(v), 89; S.S.I. 2003/288, art. 2, Sch.
- F9** S. 245F(1A) inserted (27.10.2003) by virtue of Criminal Justice (Scotland) Act 2003 (asp 7), ss. 60(1)(h), 89; S.S.I. 2003/475, art. 2, Sch.
- F10** Words in s. 245F(2) substituted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 43(4)(b)(i), 89; S.S.I. 2003/288, art. 2, Sch.
- F11** Words in s. 245F(2) substituted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 43(4)(b)(ii), 89; S.S.I. 2003/288, art. 2, Sch.
- F12** S. 245F(2A) inserted (10.12.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), ss. 58, 84; S.S.I. 2007/479, art. 3(1), Sch. (subject to art. 13) (as amended by S.S.I. 2007/527)
- F13** Words in s. 245F(4) substituted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), ss. 43(4)(c), 89; S.S.I. 2003/288, art. 2, Sch.

**Changes to legislation:**

Criminal Procedure (Scotland) Act 1995, Section 245F is up to date with all changes known to be in force on or before 01 August 2024. 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.

[View outstanding changes](#)

**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. 5A inserted by [2010 asp 13 Sch. 7 para. 26](#)
- s. 13(1B)(1C) inserted by [2006 asp 10 s. 82\(2\)](#)
- s. 13(2)(aa) inserted by [2006 asp 10 s. 82\(3\)\(b\)](#)
- s. 13(3A) inserted by [2006 asp 10 s. 82\(4\)](#)
- s. 13(5)(ba) inserted by [2006 asp 10 s. 82\(5\)\(a\)](#)
- s. 13(6)(a)(iii) and word inserted by [2006 asp 10 s. 82\(6\)\(b\)](#)
- s. 13(8) inserted by [2006 asp 10 s. 82\(7\)](#)
- s. 22(5A) inserted by [2007 asp 6 s. 7\(2\)\(g\)](#)
- s. 22A(1A) inserted by [2023 asp 4 s. 1\(2\)](#)
- s. 23B(1)(1A) substituted for s. 23B(1) by [2023 asp 4 s. 2\(2\)\(a\)](#)
- s. 23B(6A) inserted by [2023 asp 4 s. 1\(3\)\(c\)](#)
- s. 23B(8)-(10) inserted by [2023 asp 4 s. 2\(2\)\(c\)](#)
- s. 23C(1A) inserted by [2023 asp 4 s. 2\(3\)\(b\)](#)
- s. 23C(3) inserted by [2023 asp 4 s. 2\(3\)\(c\)](#)
- s. 24(2C) inserted by [2023 asp 4 s. 4\(4\)](#)
- s. 24(2AA) inserted by [2023 asp 4 s. 4\(2\)](#)
- s. 44(5A)(5B) inserted by [2024 asp 5 s. 19\(2\)\(c\)](#)
- s. 49(1)-(1F) substituted for s. 49(1)-(3) by [2024 asp 5 s. 17\(2\)\(a\)](#)
- s. 49(4A)-(4C) inserted by [2024 asp 5 s. 17\(2\)\(c\)](#)
- s. 50(7) inserted by [2024 asp 5 s. 16\(2\)](#)
- s. 51(6)-(8) inserted by [2024 asp 5 s. 18\(2\)\(e\)](#)
- s. 70B and cross-heading inserted by [2024 asp 5 s. 16\(3\)](#)
- s. 73A inserted by [2004 asp 3 s. 2\(3\)](#)
- s. 142A inserted by [2024 asp 5 s. 16\(5\)](#)
- s. 167(7D)(7E) inserted by [2007 asp 17 sch. 4 para. 1\(3\)](#)
- s. 167(7D) words substituted by [2010 asp 13 Sch. 3 para. 16\(2\)](#)
- s. 167(7E) words substituted by [2010 asp 13 Sch. 3 para. 16\(3\)](#)
- s. 175(1)(ca) words substituted by [2024 asp 5 Sch. para. 7\(4\)\(a\)](#)
- s. 194ZA repealed by [2014 asp 18 sch. 3 para. 25](#)
- s. 200A inserted by [2016 asp 1 s. 85](#)
- s. 205A added by [1997 c. 48 s. 1\(1\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)
- s. 208A inserted by [2024 asp 5 s. 19\(6\)](#)
- s. 216(8)-(11) inserted by [2024 asp 5 s. 19\(7\)](#)
- s. 249(4A)-(4D) inserted by [2014 asp 1 s. 24](#)
- s. 271D(4A) inserted by [2019 asp 8 s. 6\(4\)](#)
- s. 271F(2)(aa) inserted by [2019 asp 8 s. 10\(4\)](#)
- s. 271AA inserted by [2019 asp 8 s. 6\(2\)](#)
- s. 271BZD inserted by [2019 asp 8 s. 3\(2\)](#)
- Sch. 5A added by [1997 c. 48 s. 1\(2\)](#) (This amendment not applied to legislation.gov.uk. 1997 c. 48, s. 1 repealed (27.6.2003) without ever being in force by [2003 asp 7, s. 19\(3\)](#); S.S.I. 2003/288, art. 2, Sch.)