



Crime and Disorder Act 1998

1998 CHAPTER 37

PART IV

DEALING WITH OFFENDERS

CHAPTER II

SCOTLAND

Offenders dependent etc. on drugs

93 Consequences of breach of drug treatment and testing order

After section 234F of the 1995 Act there shall be inserted the following sections—

“234G Breach of drug treatment testing order

- (1) If at any time when a drug treatment and testing order is in force it appears to the appropriate court that the offender has failed to comply with any requirement of the order, the court may issue a citation requiring the offender to appear before the court at such time as may be specified in the citation or, if it appears to the court to be appropriate, it may issue a warrant for the arrest of the offender.
- (2) If it is proved to the satisfaction of the appropriate court that the offender has failed without reasonable excuse to comply with any requirement of the order, the court may by order—
 - (a) without prejudice to the continuation in force of the order, impose a fine not exceeding level 3 on the standard scale;
 - (b) vary the order; or
 - (c) revoke the order.
- (3) For the purposes of subsection (2) above, the evidence of one witness shall be sufficient evidence.

- (4) A fine imposed under this section in respect of a failure to comply with the requirements of a drug treatment and testing 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.

234H Disposal on revocation of drugs treatment and testing order

- (1) Where the court revokes a drugs treatment and testing order under section 234E(3)(b), 234F(4) or 234G(2)(c) of this Act, it may dispose of the offender in any way which would have been competent at the time when the order was made.
- (2) In disposing of an offender under subsection (1) above, the court shall have regard to the time for which the order has been in operation.
- (3) Where the court revokes a drug treatment and testing order as mentioned in subsection (1) above and the offender is subject to—
- (a) a probation order, by virtue of section 234J of this Act; or
 - (b) a restriction of liberty order, by virtue of section 245D of this Act; or
 - (c) a restriction of liberty order and a probation order, by virtue of the said section 245D,
- the court shall, before disposing of the offender under subsection (1) above—
- (i) where he is subject to a probation order, discharge that order;
 - (ii) where he is subject to a restriction of liberty order, revoke that order; and
 - (iii) where he is subject to both such orders, discharge the probation order and revoke the restriction of liberty order.”