
STATUTORY INSTRUMENTS

1991 No. 2677 (S.210)

**HIGH COURT OF JUSTICIARY, SCOTLAND
SUMMARY JURISIDCTION, SCOTLAND**

**Act of Adjournal (Consolidation Amendment
No. 4) (Supervised Attendance Orders) 1991**

Made - - - - 26th November 1991

Coming into force - - 18th December 1991

The Lord Justice General, the Lord Justice Clerk and Lords Commissioners of Justiciary, under and by virtue of the powers conferred on them by sections 282 and 457 of the Criminal Procedure (Scotland) Act 1975⁽¹⁾, and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Consolidation Amendment No. 4) (Supervised Attendance Orders) 1991 and shall come into force on 18th December 1991.

(2) This Act of Adjournal shall be inserted in the Books of Adjournal.

Amendment of Act of Adjournal (Consolidation) 1988

2.—(1) The Act of Adjournal (Consolidation) 1988⁽²⁾ shall be amended in accordance with the following sub-paragraphs.

(2) After rule 83B⁽³⁾ (use of certified copy documents in certain proceedings), insert the following new rule:—

“Form of supervised attendance order

83C. A supervised attendance order under section 62 of the Law Reform (Miscellaneous Provisions⁰ (Scotland) Act 1990⁽⁴⁾ shall be in the form set out in Form 36B of Schedule 1.”.

(1) 1975 c. 21; section 282 was amended by paragraph 47 of, and section 457 by paragraph 72 of, Schedule 7 to the Criminal Justice (Scotland) Act 1980 (c. 62).
(2) S.I. 1988/110; the relevant amending instrument is S.I. 1989/1020.
(3) Rule 83B was inserted by S.I. 1989/1020.
(4) 1990 c. 40.

Status: This is the original version (as it was originally made).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

(3) After rule 126B (use of certified copy documents in certain proceedings)(5), insert the following rule:—

“Form of supervised attendance order

126C. A supervised attendance order under section 62 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 shall be in the form set out in Form 36B of Schedule 1.”

(4) In Form 35 in Schedule 1 (form of probation order), at the end of the form, insert the following:

SCHEDULE

Paragraph 2(5)

FORM 36B

Rules 83C and 126C

FORM OF SUPERVISED ATTENDANCE ORDER

*Under the Law Reform (Miscellaneous Provisions)
(Scotland) Act 1990, Section 62*

COURT:

on

19

OFFENDER:

ADDRESS:

Date of Birth:

(1) The Court, being satisfied that the requirements of sub-paragraphs (a), (b) and (c) of section 62(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 have been met;

AND having explained to the Offender the purpose and effect of this order (including the requirements set out below), and that if the Offender fails to comply with this order the Offender may be brought before the Court which may revoke this order and impose a period of imprisonment or may vary the number of hours specified in this order, and that the Court has power to review this 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;

AND the Offender having expressed his willingness to comply with this order; IN RESPECT that the Offender [resides] [is to reside] in the District of [] in the area of [] Regional Council; THE COURT REQUIRES the said Regional Council to appoint or assign an Officer to discharge the functions assigned to him in terms of section 62 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 in respect of the Offender and to notify the Offender forthwith of the particulars of the officer; and ORDERS that the Offender shall:

- (a) attend a place of supervision notified to him by the officer for [] hours during the period of twelve months from this date or until the stated hours of attendance have been completed, whichever is the shorter, and while at that place of supervision carry out such instructions as may be given to him by the officer; and

(5) After Form 36A in Schedule 1 (form of charge for payment of fine)(6), insert Form 36B in the Schedule to this Act of Adjournal.

(5) Rule 126B was inserted by S.I. 1991/2676.

(6) Form 36A was inserted by S.I. 1989/1020.

Edinburgh
26th November 1991

J.A.D. Hope
Lord Justice General, IPD

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SCHEDULE

Paragraph 2(5), Rules 83C and 126C

FORM 36B

SCHEDULE

Paragraph 2(5)

FORM 36B

Rules 83C and 126C

FORM OF SUPERVISED ATTENDANCE ORDER

*Under the Law Reform (Miscellaneous Provisions)
(Scotland) Act 1990, Section 62*

COURT:

on 19

OFFENDER:

ADDRESS:

Date of Birth:

(1) The Court, being satisfied that the requirements of sub-paragraphs (a), (b) and (c) of section 62(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 have been met;

AND having explained to the Offender the purpose and effect of this order (including the requirements set out below), and that if the Offender fails to comply with this order the Offender may be brought before the Court which may revoke this order and impose a period of imprisonment or may vary the number of hours specified in this order, and that the Court has power to review this 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;

AND the Offender having expressed his willingness to comply with this order; IN RESPECT that the Offender [resides] [is to reside] in the District of [] in the area of [] Regional Council; THE COURT REQUIRES the said Regional Council to appoint or assign an Officer to discharge the functions assigned to him in terms of section 62 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 in respect of the Offender and to notify the Offender forthwith of the particulars of the officer; and ORDERS that the Offender shall:

- (a) attend a place of supervision notified to him by the officer for [] hours during the period of twelve months from this date or until the stated hours of attendance have been completed, whichever is the shorter, and while at that place of supervision carry out such instructions as may be given to him by the officer; and

(a) Form 36A was inserted by S.I. 1989/1020.

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SCHEDULE

Paragraph 2(5)

FORM 36B

Rules 83C and 126C

FORM OF SUPERVISED ATTENDANCE ORDER

*Under the Law Reform (Miscellaneous Provisions)
(Scotland) Act 1990, Section 62*

COURT:

on _____ 19

OFFENDER:

ADDRESS:

Date of Birth:

(1) The Court, being satisfied that the requirements of sub-paragraphs (a), (b) and (c) of section 62(3) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 have been met;

AND having explained to the Offender the purpose and effect of this order (including the requirements set out below), and that if the Offender fails to comply with this order the Offender may be brought before the Court which may revoke this order and impose a period of imprisonment or may vary the number of hours specified in this order, and that the Court has power to review this 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;

AND the Offender having expressed his willingness to comply with this order; IN RESPECT that the Offender [resides] [is to reside] in the District of [] in the area of [] Regional Council; THE COURT REQUIRES the said Regional Council to appoint or assign an Officer to discharge the functions assigned to him in terms of section 62 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 in respect of the Offender and to notify the Offender forthwith of the particulars of the officer; and ORDERS that the Offender shall:

- (a) attend a place of supervision notified to him by the officer for [] hours during the period of twelve months from this date or until the stated hours of attendance have been completed, whichever is the shorter, and while at that place of supervision carry out such instructions as may be given to him by the officer; and

(a) Form 36A was inserted by S.I. 1989/1020.

EXPLANATORY NOTE

(This note is not part of the Act of Adjournal)

This Act of Adjournal amends the Act of Adjournal (Consolidation) 1988 (S.I.1988/110) by—

- (a) prescribing a form of supervised attendance order under section 62 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (paragraphs 2(2), (3), (5) and Schedule 1);
- (b) amending the form of probation order (paragraph 2(4)).

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