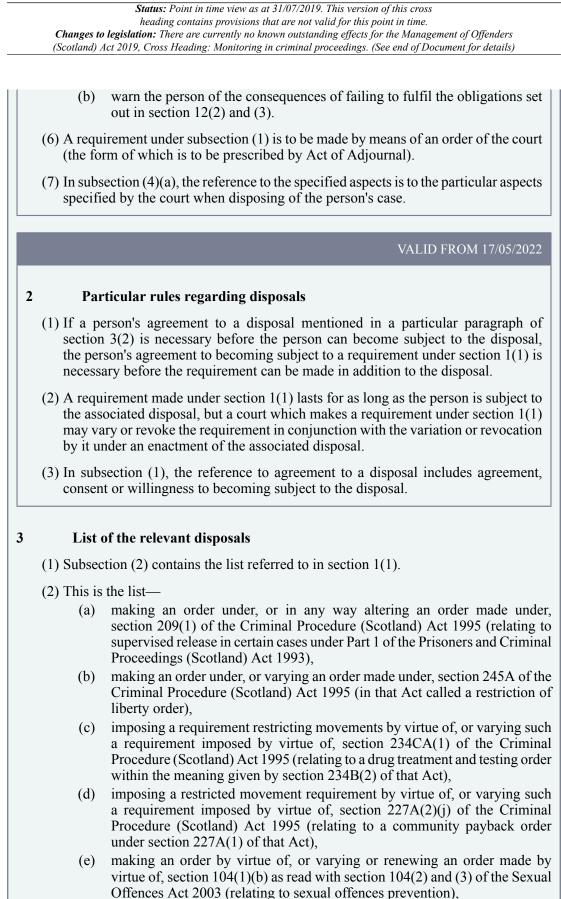


Management of Offenders (Scotland) Act 2019 2019 asp 14

PART 1

ELECTRONIC MONITORING ETC.

VALID FROM 01/10/2020
Monitoring in criminal proceedings
VALID FROM 17/05/2022
1 Requirement when disposing of case
(1) When making a person subject to a disposal listed in section 3(2), a court may additionally require the person to submit to monitoring by means of an approved device.
(2) Section 8(1) describes what an approved device is in relation to a requirement under subsection (1).
 (3) A requirement under subsection (1) means that the person— (a) is to be monitored by a person designated under section 11(1)(a), and (b) is bound by the obligations set out in section 12(2) and (3).
(4) Monitoring by virtue of a requirement under subsection (1) is for the purpose of ascertaining whether the person—
(a) is complying with the specified aspects of the disposal, and(b) is fulfilling the obligations set out in section 12(2) and (3).
(5) The court must—(a) explain to the person the purpose mentioned in subsection (4), and



Status: Point in time view as at 31/07/2019. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Cross Heading: Monitoring in criminal proceedings. (See end of Document for details)

(f) making an order under, or varying or renewing an order made under, section 11 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (relating to sexual risk or harm).

4 More about the list of disposals

- (1) The Scottish Ministers may by regulations modify the list in section 3(2) so as to—(a) add, alter or remove an entry,
 - (b) limit an entry so as to specify a certain aspect of what a court may do.
- (2) An entry included in section 3(2) may relate to anything, at any stage in criminal proceedings—
 - (a) which can be made or imposed by a court with respect to a person, or
 - (b) to which a person can otherwise be made subject by a court,
 - except something under which a person is to be detained in custody.
- (3) A general or specific reference to a disposal mentioned in section 3(2) is, in relation to a requirement under section 1(1), to be construed as being to the relevant order or other measure so far as concerning—
 - (a) a person's whereabouts in some way (including being at, or not being at, a particular place), or
 - (b) a person's consumption, taking or ingesting of alcohol, drugs or other substances.
- (4) For the avoidance of doubt, anything listed in section 3(2) is to be regarded as a disposal for the purposes of this Part (whether or not it is the final disposal of a case).

Status:

Point in time view as at 31/07/2019. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Cross Heading: Monitoring in criminal proceedings.