



Management of Offenders (Scotland) Act 2019 2019 asp 14

PART 1 **S**

ELECTRONIC MONITORING ETC.

Arrangements and designation

10 Arrangements for monitoring system **S**

- (1) The Scottish Ministers must make contractual or other arrangements to secure the monitoring of a person—
 - (a) by means of an approved device, and
 - (b) in connection with a requirement made under—
 - (i) section 1(1), or
 - (ii) section 5(1).
- (2) The Scottish Ministers must keep the Scottish Courts and Tribunals Service informed of the identity of whoever is eligible for designation by a court under section 11(1)(a) (including by reference to eligibility in all or some circumstances).
- (3) Different arrangements may be made under subsection (1) for different purposes (including arrangements of temporary or local effect).

Commencement Information

- II** S. 10 in force at 17.5.2022 by S.S.I. 2022/94, reg. 2(2)(f) (with reg. 1(2))

11 Designation of person to do monitoring **S**

- (1) When a requirement is made under section 1(1), the court must—
 - (a) designate a person to be responsible for monitoring the monitored person by means of an approved device for the purpose mentioned in section 1(4),

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

- (b) notify the monitored person that a person has been designated under paragraph (a),
 - (c) send to the designated person—
 - (i) intimation of the fact of designation,
 - (ii) the date on which monitoring of the monitored person is to begin,
 - (iii) details of the requirement and the specified aspects of the associated disposal, and
 - (iv) any further information that it considers appropriate.
- (2) When a requirement is made under section 5(1), the Scottish Ministers must—
- (a) designate a person to be responsible for monitoring the monitored person by means of an approved device for the purpose mentioned in section 5(4),
 - (b) notify the monitored person that a person has been designated under paragraph (a),
 - (c) send to the designated person—
 - (i) intimation of the fact of designation,
 - (ii) the date on which monitoring of the monitored person is to begin,
 - (iii) details of the requirement and the specified aspects of the associated conditions, and
 - (iv) any further information that they consider appropriate.
- (3) The designated person's responsibility for monitoring the monitored person—
- (a) is suspended if the disposal is or (as the case may be) the conditions are suspended,
 - (b) ends—
 - (i) when the disposal ceases or (as the case may be) the conditions cease to have effect, or
 - (ii) if someone else is designated under subsection (1)(a) or (as the case may be) (2)(a) as a replacement.
- (4) If the designated person can no longer discharge the person's responsibility for monitoring the monitored person—
- (a) someone else must be designated under subsection (1)(a) or (as the case may be) (2)(a) as a replacement, and
 - (b) subsection (1)(b) and (c) or (as the case may be) (2)(b) and (c) applies again.
- (5) See section 10(2) for who is eligible for designation by the court under subsection (1)(a).
- (6) In subsections (1) to (4)—
- (a) a reference to the designated person is to whoever is for the time being designated under subsection (1)(a) or (as the case may be) (2)(a),
 - (b) a reference to the monitored person is to the person subject to the requirement made under section 1(1) or (as the case may be) 5(1),
 - (c) a reference to the specified aspects of the disposal or the conditions in question has the same meaning as is given by section 1(7) or (as the case may be) 5(7).

Commencement Information

I2 S. 11 in force at 17.5.2022 by S.S.I. 2022/94, reg. 2(2)(g) (with reg. 1(2))

Changes to legislation:

There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Cross Heading: Arrangements and designation.