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STATUTORY INSTRUMENTS

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**2014 No. 3141**

The Criminal Justice and Data Protection  
(Protocol No. 36) Regulations 2014

PART 7

European Supervision Order

CHAPTER 2

European supervision orders: England and Wales

*Recognition of supervision measures: requests to other member States*

**Requests to other member States for monitoring supervision measures**

77.—(1) A court which makes a decision on supervision measures may request a competent authority of a member State other than the United Kingdom (“the executing State”) to monitor the supervision measures under the Framework Decision where—

- (a) the measures are suitable for monitoring in the executing State, and
  - (b) the executing State is one to which the request may be made.
- (2) To make the request, the court must—
- (a) issue a certificate requesting monitoring under the Framework Decision in respect of the decision on supervision measures, and
  - (b) give the following documents to the competent authority or to the central authority of the executing State.
- (3) The documents are—
- (a) the decision on supervision measures or a certified copy of it,
  - (b) the certificate, and
  - (c) a copy of the certificate translated into the official language, or one of the official languages, of the executing State.
- (4) But paragraph (3)(c) does not apply if—
- (a) English is an official language of the executing State, or
  - (b) the executing State has declared under Article 24 of the Framework Decision that it will accept a certificate translated into English.
- (5) A court makes a “decision on supervision measures” if—
- (a) it grants bail in accordance with the Bail Act 1976(1), as modified by regulation 78, to a person who is charged with an offence, and

- (b) requirements are imposed on the person in accordance with section 3(6) of that Act(2) (general provisions), as so modified, as a condition of bail.
- (6) “Supervision measures” means the requirements imposed on the person as a condition of bail.
- (7) A supervision measure is “suitable for monitoring in the executing State” if it constitutes—
  - (a) a supervision measure of a kind mentioned in Article 8(1) of the Framework Decision (types of supervision measures), or
  - (b) a supervision measure of a kind which the executing State has given notice, under Article 8(2) of that Decision, that it is prepared to monitor.
- (8) The executing State is “one to which the request may be made” if—
  - (a) the person is lawfully and ordinarily resident in the executing State and consents to return to that State with a view to the supervision measures being monitored there under the Framework Decision, or
  - (b) the person is not lawfully and ordinarily resident in the executing State but—
    - (i) the person asks for the request to be made to a competent authority of the executing State, and
    - (ii) the competent authority consents to the making of the request.
- (9) In regulations 78 to 84—
  - “the competent authority of the executing State”, in relation to a request under this regulation, means the competent authority to which the request is made;
  - “decision on supervision measures” and “supervision measures” are to be read in accordance with this regulation;
  - “the executing State”, in relation to a request under this regulation, means the member State of the competent authority to which the request is made.

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(2) Section 3(6) was amended by the Criminal Justice and Public Order Act 1994 (c.33), sections 27(2) and 168(3) and Schedule 11; the Crime and Disorder Act 1998 (c.37), section 54(2); the Criminal Justice Act 2003 (c.44), section 13(1) and Part 2 of Schedule 37; and the Legal Services Act 2007 (c.29), section 208(1) and Schedule 21, paragraph 34.