
STATUTORY INSTRUMENTS

2008 No. 1216

The Criminal Justice (Northern Ireland) Order 2008

PART 2

SENTENCING

CHAPTER 5

CURFEWS AND ELECTRONIC MONITORING

Electronic monitoring

Arrangements for establishing systems of electronic monitoring

39. The Secretary of State may make arrangements for establishing systems of electronic monitoring of persons subject to—

- (a) curfew requirements; or
- (b) other requirements relating to a person's whereabouts.

Electronic monitoring requirement

40.—(1) In this Part “electronic monitoring requirement” means a requirement for securing the electronic monitoring of a person's compliance with other conditions or requirements during a period of 14 days or more specified in the requirement or determined in accordance with the requirement by the person responsible for the monitoring.

(2) Where—

- (a) it is proposed to impose an electronic monitoring requirement, but
- (b) there is a person (other than the person who is to be subject to the requirement) without whose co-operation it will not be practicable to secure the monitoring,

the requirement shall not be imposed without that person's consent.

(3) An electronic monitoring requirement shall include provision for making a person responsible for the monitoring; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.

(4) Where an electronic monitoring requirement is required to take effect during a period determined by the person responsible for the monitoring, that person shall, before the beginning of the period, notify—

- (a) the person subject to the requirement, and
- (b) any person falling within paragraph (2)(b),

of the time when the period is to begin.

Status: Point in time view as at 03/12/2014.

Changes to legislation: The Criminal Justice (Northern Ireland) Order 2008, Cross Heading: Electronic monitoring is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C1 Art. 40 modified (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **97(3)**
- C2 Arts. 40-43 applied (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **107(4)(b)**

Availability of electronic monitoring arrangements

41. A court shall not impose an electronic monitoring requirement unless the court—
- (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in the area in which the place proposed to be specified in the requirement is situated; and
 - (b) is satisfied that the necessary provision can be made under those arrangements.

Modifications etc. (not altering text)

- C2 Arts. 40-43 applied (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **107(4)(b)**

Provision of copies of electronic monitoring requirement

42. Where a court or the Secretary of State imposes an electronic monitoring requirement, the court or (as the case may be) the Secretary of State shall forthwith provide copies of the requirement—
- (a) to the person who by virtue of Article 40(3) will be responsible for the electronic monitoring; and
 - (b) to any person to whom Article 40(2)(b) applies.

Modifications etc. (not altering text)

- C2 Arts. 40-43 applied (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **107(4)(b)**

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