

2007 No. 92

CRIMINAL LAW

**The Management of Offenders etc. (Scotland) Act 2005
(Specification of Persons) Order 2007**

Made - - - - - *20th February 2007*

Laid before the Scottish Parliament *21st February 2007*

Coming into force - - - *2nd April 2007*

The Scottish Ministers, in exercise of the powers conferred by section 10(3) of the Management of Offenders etc. (Scotland) Act 2005(a), and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Management of Offenders etc. (Scotland) Act 2005 (Specification of Persons) Order 2007 and shall come into force on 2nd April 2007.

(2) In this Order—

“relevant area” means, for each local authority, the area of that local authority;

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995(b); and

“the 2005 Act” means the Management of Offenders etc. (Scotland) Act 2005.

Specified Persons

2. The persons listed in the Schedule to this Order are specified for the purposes of section 10(3) of the 2005 Act.

JOHANN MLAMONT

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
20th February 2007

(a) 2005 asp 14.
(b) 1995 c.46.

SCHEDULE

Article 2

PERSONS SPECIFIED FOR THE PURPOSES OF SECTION 10(3) OF THE MANAGEMENT OF OFFENDERS ETC. (SCOTLAND) ACT 2005

Social landlords registered under section 57(2) of the Housing (Scotland) Act 2001(a) and who operate in a relevant area.

Electronic monitoring providers with whom the Scottish Ministers may make arrangements under:

section 245C(1) (Remote monitoring of those subject to a restriction of liberty order) of the 1995 Act(b); and

section 245C(1) of the 1995 Act, as applied by—

section 230A(5) (Requirement for remote monitoring in probation order) of the 1995 Act(c);

section 234CA(5) (Requirement for remote monitoring in drug treatment and testing order) of the 1995 Act(d); and

section 40(7) (Remote monitoring of released prisoners) of the Criminal Justice (Scotland) Act 2003(e).

The Principal Reporter appointed under section 127 of the Local Government etc. (Scotland) Act 1994.(f)

Persons providing services to, or on behalf of, a responsible authority in connection with the assessment and management of the risks posed in a relevant area by any person to whom section 10(1)(a) of the 2005 Act applies.

(a) 2001 asp 10.

(b) 1995 c.46; section 245C was inserted by section 5 of the Crime and Punishment (Scotland) Act 1997 c.48.

(c) Section 230A was inserted by section 46(2) of the Criminal Justice (Scotland) Act 2003 (2003 asp 7).

(d) Section 234CA was inserted by section 47(2) of the Criminal Justice (Scotland) Act 2003 (2003 asp 7).

(e) 2003 asp 7.

(f) 1994 c.39; section 127 was amended by paragraph 95(2) of Schedule 4 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 c.40.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies those persons with whom the responsible authorities, as defined in section 10(7) of the Management of Offenders etc. (Scotland) Act 2005, are required to co-operate in the establishment and implementation of suitable arrangements for assessing and managing the risks posed in each local authority area by offenders falling within the category of person set out in section 10(1)(a) of that Act. Section 10(1)(a) relates to offenders subject to the notification requirements of Part 2 of the Sexual Offences Act 2003. (Section 10(1) has only been commenced to this extent (S.S.I. 2006/545)).

The persons who are specified are set out in the Schedule. They are registered social landlords, persons or bodies under contract to provide electronic monitoring services, the Principal Reporter, and any person or body who provides services for the assessment and management of sex offenders in one or more local authority area.

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