

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

Section 240A(2) of the Criminal Justice Act 2003 (c.44) (“the 2003 Act”) requires that a court sentencing an offender to a term of imprisonment must direct that a specified proportion of time spent on bail subject to an electronically monitored curfew condition of at least 9 hours is to count as time served by the offender as part of the sentence. Paragraph 2(2) of Schedule 6 to the Criminal Justice and Immigration Act 2008 (c.4) (“the 2008 Act”) makes an identical transitional provision in respect of those offenders who committed offences before 4<sup>th</sup> April 2005. These Rules disapply the requirement in section 240A(2) of the 2003 Act and paragraph 2(2) of Schedule 6 to the 2008 Act in certain circumstances.

Rule 2 provides that where an offender receives concurrent or consecutive sentences, the time spent on bail subject to an electronically monitored curfew condition should not be credited more than once.

Rule 3 provides that the requirement in section 240A(2) of the 2003 Act or, where applicable, paragraph 2(2) of Schedule 6 to the 2008 Act, does not apply where the offender is on bail subject to an electronically monitored curfew condition and is at the same time subject to an electronically monitored curfew imposed as a consequence of early release from prison or as part of a community order or suspended sentence.

Rule 4 provides that the requirement in section 240A(2) of the 2003 Act or, where applicable, paragraph 2(2) of Schedule 6 to the 2008 Act, does not apply where the offender is on bail subject to an electronically monitored curfew condition and is at the same time on temporary release from prison, a young offender institution or a secure training centre.