

# CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### *Schedule 9: Alternatives to prosecution for offenders under 18*

#### **New section 66H of the 1998 Act: Interpretation**

#### *Section 51: Bail conditions: electronic monitoring*

371. *Section 51* introduces Schedule 11. *Paragraph 1* of the Schedule introduces the amendments to the Bail Act 1976 that follow.
372. *Paragraph 2* of Schedule 11 extends section 3(6ZAA) of the 1976 Act to clarify the court's power to impose electronic monitoring of compliance with bail conditions on defendants aged 17 and over. It also adds a new subsection (6ZAB) to define electronic monitoring requirements.
373. *Paragraph 3* of Schedule 11 amends section 3AA of the 1976 Act, which sets out the conditions that must be satisfied before a court can order electronic monitoring of children and young persons, to make clear that it applies only to that age group, to reflect that electronic monitoring is now available across England and Wales and to remove some general provisions, which are transferred to a new section 3AC.
374. *Paragraph 4* of Schedule 11 inserts two new sections into the 1976 Act.
375. New section 3AB, which corresponds to the amended section 3AA, sets out the conditions that must be satisfied before a court can order electronic monitoring of those who are 17 or over. These are that:
- without the imposition of an electronic monitoring requirement, the defendant would not be granted bail;
  - the court is satisfied that the necessary provision for electronic monitoring can be made for the defendant; and
  - in the case of those aged 17 the local youth offending team has advised the court that electronic monitoring is suitable in the particular case.
376. New section 3AC is a general provision which deals with the arrangements for electronic monitoring and the associated powers of the Secretary of State. It gives the Secretary of State the power to make an order designating certain individuals as responsible officers for the supervision of electronic monitoring. It also requires the court to appoint a responsible officer in each case where it orders electronic monitoring. In addition, the Secretary of State may make rules regulating electronic monitoring and the functions of responsible officers.

*These notes refer to the Criminal Justice and Immigration  
Act 2008 (c.4) which received Royal Assent on 8 May 2008*

377. *Paragraph 5* of Schedule 26 makes some consequential amendments to section 23AA of the Children & Young Persons Act 1969, which provides for the electronic monitoring of those remanded into local authority accommodation.