2008 No. 2713

CRIMINAL LAW, ENGLAND AND WALES

The Bail (Electronic Monitoring of Requirements) (Responsible Officer) Order 2008

Made - - - -	*13th October 2008*
Coming into force - -	*3rd November 2008*

The Secretary of State, in exercise of the powers conferred by section 3AC(2) of the Bail Act 1976(**a**), makes the following Order:

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Bail (Electronic Monitoring of Requirements) (Responsible Officer) Order 2008 and shall come into force on 3rd November 2008.

(2) In this Order—

"curfew requirement" means a requirement imposed on a person as a condition of bail that the person remains, for periods specified in the requirement, at a place so specified;

"electronic monitoring requirement" means requirements imposed for the purpose of securing the electronic monitoring of a person's compliance with any other requirement imposed on the person as a condition of bail;

"police area" has the meaning given by section 1 of the Police Act 1996(**b**); and

"responsible officer" means the person responsible under section 3AC(1) of the Bail Act 1976 for the monitoring, where an electronic monitoring requirement is imposed.

Responsible Officers

2.—(1) Where an electronic monitoring requirement is imposed for the purpose of securing compliance with a requirement imposed on a person as a condition of bail which relates to a place or area in a police area specified in Schedule 1 to this Order, the responsible officer must be an employee of Serco Limited, Serco House, 16 Bartley Wood Business Park, Bartley Way, Hook, Hampshire RG27 9UY (company number 00242246).

(2) Where an electronic monitoring requirement is imposed for the purpose of securing compliance with a requirement imposed on a person as a condition of bail which relates to a place or area in a police area specified in Schedule 2 to this Order, the responsible officer must be an employee of G4S Justice Services Limited, Sutton Park House, 15 Carshalton Road, Sutton, Surrey SML 4LD (company number 00390328).

(**a**) 1976 c.63; section 3AC was inserted by the Criminal Justice and Immigration Act 2008 (c.4), Schedule 11, paragraph 4.
(**b**) 1996 c.16; section 1 was amended by the Greater London Authority Act 1999 (c.29), Schedule 27, paragraph 69, and by the Local Government and Public Involvement in Health Act 2007 (c.28), Schedule 1, paragraph 19.

Electronic Monitoring Requirements and Multiple Bail Conditions

3.—(1) This article applies where—

    (a) an electronic monitoring requirement is imposed for the purpose of securing compliance with more than one requirement;

    (b) the requirements relate to different places or areas;

    (c) the places or areas are in different police areas; and

    (d) the police areas are specified in different Schedules to this Order.

(2) If one of the requirements is a curfew requirement, then article 2 has effect as if the electronic monitoring requirement was imposed solely for the purpose of securing compliance with the curfew requirement.

(3) In any other case, the court shall choose whichever of the police areas specified in paragraph (1)(c) as it thinks fit and the responsible officer will be of the description which would be specified in article 2 if the electronic monitoring requirement was imposed for the purpose of securing compliance with requirements which related solely to places or areas within that police area.

Revocation

4. The Bail (Electronic Monitoring of Requirements) (Responsible Officer) Order 2002(**a**) is revoked.

Signed by authority of the Secretary of State

                                                    Maria Eagle
                                 Parliamentary Under Secretary of State

13th October 2008   Ministry of Justice

SCHEDULE 1   Article 2(1)

Police Areas in which the Responsible Officer shall be an employee of Serco Limited

Bedfordshire

Cambridgeshire

City of London Police Area

Dyfed Powys

Essex

Gwent

Hertfordshire

Metropolitan Police District

Norfolk

North Wales

South Wales

Staffordshire

Suffolk

Warwickshire

(**a**) S.I. 2002/844, amended by S.I. 2005/984.

West Mercia
West Midlands

SCHEDULE 2 Article 2(2)

Police Areas in which the Responsible Officer shall be an employee of G4S Justice Services Limited

Avon and Somerset
Cheshire
Cleveland
Cumbria
Derbyshire
Devon and Cornwall
Dorset
Durham
Gloucestershire
Greater Manchester
Hampshire
Humberside(**a**)
Kent
Lancashire
Leicestershire
Lincolnshire
Merseyside
Northamptonshire
Northumbria
North Yorkshire
Nottinghamshire
South Yorkshire
Surrey
Sussex
Thames Valley
West Yorkshire
Wiltshire

(**a**) Section 129 of the Police Act 1997 (c.50) prospectively changes the name of Humberside police area to Humber police area.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the persons responsible ("responsible officer") for the electronic monitoring of a person's compliance with a requirement imposed as a condition of bail.

Article 2 specifies the responsible officer according to the police area to which the bail condition relates.

Article 3 applies where an electronic monitoring requirement is imposed in respect of more than one bail condition which relates to different police areas (for example, a curfew requirement and an exclusion requirement) and the application of article 2 results in there being more than one responsible officer. Article 3(2) provides that any curfew requirement takes precedence in determining the responsible officer. Article 3(3) provides that where there is no curfew requirement, the court must choose one of the police areas to which the requirements relate and the choice of police area will determine the appropriate responsible officer.

Article 4 revokes the Bail (Electronic Monitoring of Requirements) (Responsible Officer) Order 2002 (S.I. 2002/844).

_____

£4.00