

2014 No. 163

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice (Electronic Monitoring) (Responsible Person) Order 2014

Made - - - - - *28th January 2014*

Coming into force - - - *at 7.00 a.m. on 1st February 2014*

The Secretary of State makes the following Order in exercise of the powers conferred by section 3AC(2) of the Bail Act 1976(a), sections 215(3), 253(5) and 330(3)(a) of the Criminal Justice Act 2003(b) and section 147(2)(b) of, and paragraph 26(5) of Schedule 1 to, the Criminal Justice and Immigration Act 2008(c).

Citation and commencement

1. This Order may be cited as the Criminal Justice (Electronic Monitoring) (Responsible Person) Order 2014 and comes into force at 07.00 a.m. on 1st February 2014.

Amendment of the Criminal Justice (Sentencing) (Programme and Electronic Monitoring Requirements) Order 2005

2. The Criminal Justice (Sentencing) (Programme and Electronic Monitoring Requirements) Order 2005(d) is amended as follows.

3. In article 3—

- (a) in paragraph (a), for “Premier Monitoring Services, PO Box 45, Norwich, NR3 1BF” substitute “Capita Business Services Limited, 71 Victoria Street, Westminster, London SW1H 0XA (Company Number 02299747)”;
- (b) in paragraph (b), for “Securicor Justice Services, Sutton Park, 15 Carshalton Road, Sutton, Surrey, SML 4LD” substitute “G4S Care and Justice Services (UK) Limited, Southside, 105 Victoria Street, London SW1E 6QT (Company Number 00390328)”.

4. In the heading to Schedule 1, for “PREMIER MONITORING SERVICES LIMITED” substitute “CAPITA BUSINESS SERVICES LIMITED”.

5. In the heading to Schedule 2, for “SECURICOR JUSTICE SERVICES LIMITED” substitute “G4S CARE AND JUSTICE SERVICES (UK) LIMITED”.

(a) 1976 c.63; section 3AC was inserted by paragraph 4 of Schedule 11 to the Criminal Justice and Immigration Act 2008 (c.4). There are amendments to section 3AC but none are relevant.
(b) 2003 c.44.
(c) 2008 c.4; there are amendments to section 147 but none are relevant.
(d) S.I. 2005/963.

Amendment of the Bail (Electronic Monitoring of Requirements) (Responsible Officer) Order 2008

6. The Bail (Electronic Monitoring of Requirements) (Responsible Officer) Order 2008(a) is amended as follows.

7. In article 2(1), for “Serco Limited, Serco House, 16 Bartley Wood Business Park, Bartley Way, Hook, Hampshire RG27 9UY (company number 00242246)” substitute “Capita Business Services Limited, 71 Victoria Street, Westminster, London SW1H 0XA (company number 02299747)”.

8. In the heading to Schedule 1, for “Serco Limited” substitute “Capita Business Services Limited”.

Amendment of the Criminal Justice (Sentencing) (Curfew Condition) Order 2008

9. The Criminal Justice (Sentencing) (Curfew Condition) Order 2008(b) is amended as follows.

10.—(1) In article 2(a)—

(a) omit “in Scotland or”;

(b) for “Serco Limited, Serco House, 16 Bartley Wood Business Park, Bartley Way, Hook, Hampshire RG27 9UY (company number 00242246)” substitute “Capita Business Services Limited, 71 Victoria Street, Westminster, London SW1H 0XA (company number 02299747)”.

(2) After article 2(b) insert—

“(c) in relation to a curfew condition imposed on an offender residing in Scotland(c), is one employed by G4S Monitoring Technologies Limited, Southside, 105 Victoria Street, London SW1E 6QT (company number 2626613).”.

11. In the heading to Schedule 1, for “Serco Limited” substitute “Capita Business Services Limited”.

Amendment of the Youth Rehabilitation Order (Electronic Monitoring Requirement) Order 2009

12. The Youth Rehabilitation Order (Electronic Monitoring Requirement) Order 2009(d) is amended as follows.

13. In article 2(a), for “Serco Group plc, Serco House, 16 Bartley Wood Business Park, Bartley Way, Hook, Hampshire RG27 9UY” substitute “Capita Business Services Limited, 71 Victoria Street, Westminster, London SW1H 0XA (Company Number 02299747)”.

14. In the heading to Schedule 1, for “Serco Group plc” substitute “Capita Business Services Limited”.

(a) S.I. 2008/2713.

(b) S.I. 2008/2768.

(c) This provision specifies, for the purposes of the law of England and Wales, the person responsible for monitoring the whereabouts of a person residing in Scotland who was serving a sentence in England and Wales, or who was subject to supervision in England and Wales, and who has been transferred to Scotland under Schedule 1 to the Crime (Sentences) Act 1997 (c. 43). Under paragraph 1(b) of Schedule 1 to that Act, the Secretary of State may transfer a prisoner serving a sentence in England and Wales to Scotland. Under paragraph 4(1) of Schedule 1, the Secretary of State may transfer responsibility for the supervision of a prisoner released in England and Wales to an appropriate person in Scotland. Under paragraph 6 of Schedule 1, such transfers may be subject to the condition that the prisoner is to be treated as though they are still subject to the law of England and Wales (a ‘restricted transfer’). Where a restricted transfer is made, relevant provisions of the Criminal Justice Act 2003 apply to the prisoner with the effect that, while subject to supervision, there must be a person responsible for monitoring the prisoner’s whereabouts and that person must be of a description specified in an order of the Secretary of State (paragraph 8(2) and (4) of Schedule 1 to the Crime (Sentences) Act 1997).

(d) S.I. 2009/2950.

Signed by authority of the Secretary of State

Jeremy Wright
Parliamentary Under Secretary of State
Ministry of Justice

28th January 2014

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Criminal Justice (Sentencing) (Programme and Electronic Monitoring Requirements) Order 2005 (S.I. 2005/963), the Bail (Electronic Monitoring of Requirements) (Responsible Officer) Order 2008 (S.I. 2008/2713), the Criminal Justice (Sentencing) (Curfew Condition) Order 2008 (S.I. 2008/2768) and the Youth Rehabilitation Order (Electronic Monitoring Requirement) Order 2009 (S.I. 2009/2950).

The amendments to each of these Orders made in articles 3(a), 7, 10(1)(b) and 13 name employees of Capita Business Services Limited as the persons responsible, in certain circumstances, for the electronic monitoring of persons subject to an electronic monitoring requirement as a condition of bail or under a youth rehabilitation order, curfew or community order. The changes come into force on 1 February 2014 at 7am and reflect the contractual changes which take effect at the same time on that day.

Articles 3(b) and 5 of this Order also amend the Criminal Justice (Sentencing) (Programme and Electronic Monitoring Requirements) Order 2005 to reflect that, in certain circumstances, employees of G4S Care and Justice Services (UK) Limited are responsible for the electronic monitoring of persons subject to an electronic monitoring requirement under a community order.

Article 10(1)(a) and (2) makes an amendment to reflect that employees of G4S Monitoring Technologies Limited are the persons responsible for the electronic monitoring of persons residing in Scotland who are subject to a curfew condition imposed under the law of England and Wales where those curfew conditions include an electronic monitoring requirement.

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