
STATUTORY INSTRUMENTS

2014 No. 3141

The Criminal Justice and Data Protection
(Protocol No. 36) Regulations 2014

PART 7

European Supervision Order

CHAPTER 2

European supervision orders: England and Wales

Recognition of supervision measures: requests from other member States

Court ceasing to be responsible for monitoring measures

93.—(1) A magistrates' court which—

- (a) has decided to recognise a decision on supervision measures, and
- (b) has become responsible under regulation 88 for monitoring the supervision measures,

ceases to be responsible for monitoring them in any of the following cases.

(2) The first case is where the person subject to the decision on supervision measures becomes lawfully and ordinarily resident in a State other than the United Kingdom.

(3) The second case is where the magistrates' court notifies the competent authority of the issuing State under regulation 88(2) that it is not possible, in practice, to monitor the supervision measures.

(4) The third case is where the magistrates' court informs the competent authority of the issuing State that it has decided, in accordance with regulation 90, to stop monitoring the supervision measures.

(5) The fourth case is where—

- (a) the supervision measures have been modified, and
- (b) the magistrates' court informs the competent authority of the issuing State that it has decided, in accordance with regulation 92(4), to refuse to monitor the modified supervision measures.

(6) The fifth case is where the competent authority of the issuing State, within the period of 10 days after the day on which the magistrates' court gives notification to the competent authority under regulation 85(5) or (7) (recognition of supervision measures)—

- (a) withdraws, subject to paragraph (7), the certificate requesting monitoring under the Framework Decision (whether in response to a decision under regulation 87 adapting the supervision measures or otherwise), and
- (b) informs the magistrates' court of its withdrawal.

(7) For the fifth case to apply, where the decision to withdraw the certificate referred to in paragraph (6)(a) is because the competent authority of the issuing State has been informed of —

- (a) a decision to adapt under regulation 87, or
- (b) a maximum period during which the supervision measures may be monitored,

the decision to withdraw the certificate must also be made before monitoring starts.

(8) The sixth case is where the competent authority of the issuing State—

- (a) withdraws the decision on supervision measures, and
- (b) informs the magistrates' court of its withdrawal.

(9) The magistrates' court must consult the competent authority with a view to avoiding as far as possible any interruption in the monitoring of the supervision measures as a result of this regulation.

(10) The magistrates' court may at any time ask the competent authority for information as to whether monitoring of the supervision measures is still necessary.