



Management of Offenders (Scotland) Act 2019

2019 asp 14

PART 1

ELECTRONIC MONITORING ETC.

Obligations and compliance

14 Documental evidence at breach hearings

- (1) As regards a requirement made under section 1(1), subsection (3) applies in relation to a hearing on the issue of whether the person subject to the requirement has—
 - (a) contravened the specified aspects of the associated disposal, or
 - (b) contravened section 12(2) or (3).
- (2) As regards a requirement made under section 5(1), subsection (3) applies in relation to a hearing on the issue of whether the person subject to the requirement has—
 - (a) contravened the specified aspects of the associated conditions, or
 - (b) contravened section 12(2) or (3).
- (3) Evidence may be given by way of a document bearing to comprise (both)—
 - (a) a statement—
 - (i) produced by an approved device (or any apparatus linked to the device), and
 - (ii) showing information relevant to the issue, and
 - (b) a certificate signed by or on behalf of the designated person that the information is accurate.
- (4) Examples are information about—
 - (a) the device's whereabouts at a particular time (including when being at, or not being at, a particular place),
 - (b) the—
 - (i) connectivity of the device or working of the device in some other way,
 - (ii) wearing of the device or use of the device in some other manner,

Status: This is the original version (as it was originally enacted).

- at a particular time,
- (c) the presence or level of alcohol, drugs or other substances in the wearer's or user's body at a particular time.
- (5) The document—
- (a) is sufficient evidence of everything contained in it,
 - (b) is admissible only if a copy of it is served, prior to the start of the hearing, on the person whose alleged contravention is the subject of the hearing.
- (6) In subsections (1) to (3)—
- (a) a reference to a hearing includes a court or administrative hearing,
 - (b) a reference to the specified aspects of the disposal or the conditions in question has the same meaning as is given by section 1(7) or (as the case may be) 5(7),
 - (c) the reference to the designated person is to someone who at the time of the signing of the certificate is designated under section 11(1)(a) or (as the case may be) (2)(a).