



Management of Offenders (Scotland) Act 2019 2019 asp 14

PART 1

ELECTRONIC MONITORING ETC.

Monitoring on release on parole

5 Requirement with licence conditions

- (1) When imposing any conditions of a sort mentioned in section 7(1) in connection with release of a person on licence, the Scottish Ministers may additionally require the person to submit to monitoring by means of an approved device.
- (2) Section 8(1) describes what an approved device is in relation to a requirement under subsection (1).
- (3) A requirement under subsection (1) means that the person—
 - (a) is to be monitored by a person designated under section 11(2)(a), and
 - (b) is bound by the obligations set out in section 12(2) and (3).
- (4) Monitoring by virtue of a requirement under subsection (1) is for the purpose of ascertaining whether the person—
 - (a) is complying with the specified aspects of the conditions, and
 - (b) is fulfilling the obligations set out in section 12(2) and (3).
- (5) The Scottish Ministers must—
 - (a) explain to the person the purpose mentioned in subsection (4), and
 - (b) warn the person of the consequences of failing to fulfil the obligations set out in section 12(2) and (3).
- (6) The terms of a requirement made under subsection (1) are to be stated in the licence on which the person is released (with the licence being as referred to in the enactment under which the person is released).

Changes to legislation: There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Section 5. (See end of Document for details)

(7) In subsection (4)(a), the reference to the specified aspects is to the particular aspects specified by the Scottish Ministers when imposing the conditions.

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Commencement Information

II S. 5 in force at 17.5.2022 by S.S.I. 2022/94, **reg. 2(2)(c)** (with **reg. 1(2)**)

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