

SCHEDULES

SCHEDULE 11

Section 51

ELECTRONIC MONITORING OF PERSONS RELEASED ON BAIL SUBJECT TO CONDITIONS

- 1 The Bail Act 1976 (c. 63) has effect subject to the following amendments.
- 2 In section 3 (general provisions) for subsection (6ZAA) substitute—

“(6ZAA) The requirements which may be imposed under subsection (6) include electronic monitoring requirements.

The imposition of electronic monitoring requirements is subject to section 3AA (in the case of a child or young person), section 3AB (in the case of other persons) and section 3AC (in all cases).

(6ZAB) In this section and sections 3AA to 3AC “electronic monitoring requirements” means requirements imposed for the purpose of securing the electronic monitoring of a person’s compliance with any other requirement imposed on him as a condition of bail.”
- 3 (1) Section 3AA (electronic monitoring of compliance with bail conditions) is amended as follows.
 - (2) In the heading to the section, for “Electronic monitoring of compliance with bail conditions” substitute “Conditions for the imposition of electronic monitoring requirements: children and young persons”.
 - (3) For subsection (1) substitute—

“(1) A court may not impose electronic monitoring requirements on a child or young person unless each of the following conditions is met.”
 - (4) For subsection (4) substitute—

“(4) The third condition is that the court is satisfied that the necessary provision for dealing with the person concerned can be made under arrangements for the electronic monitoring of persons released on bail that are currently available in each local justice area which is a relevant area.”
 - (5) In subsection (5), for “such a requirement” substitute “electronic monitoring requirements”.
 - (6) Subsections (6) to (10) and (12) (which are superseded by section 3AC) are omitted.
- 4 After section 3AA insert—

**“3AB Conditions for the imposition of electronic monitoring requirements:
other persons**

- (1) A court may not impose electronic monitoring requirements on a person who has attained the age of seventeen unless each of the following conditions is met.
- (2) The first condition is that the court is satisfied that without the electronic monitoring requirements the person would not be granted bail.
- (3) The second condition is that the court is satisfied that the necessary provision for dealing with the person concerned can be made under arrangements for the electronic monitoring of persons released on bail that are currently available in each local justice area which is a relevant area.
- (4) If the person is aged seventeen, the third condition is that a youth offending team has informed the court that in its opinion the imposition of electronic monitoring requirements will be suitable in his case.

3AC Electronic monitoring: general provisions

- (1) Where a court imposes electronic monitoring requirements as a condition of bail, the requirements must include provision for making a person responsible for the monitoring.
- (2) A person may not be made responsible for the electronic monitoring of a person on bail unless he is of a description specified in an order made by the Secretary of State.
- (3) The Secretary of State may make rules for regulating—
 - (a) the electronic monitoring of persons on bail;
 - (b) without prejudice to the generality of paragraph (a), the functions of persons made responsible for such monitoring.
- (4) The rules may make different provision for different cases.
- (5) Any power of the Secretary of State to make an order or rules under this section is exercisable by statutory instrument.
- (6) A statutory instrument containing rules under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) For the purposes of section 3AA or 3AB a local justice area is a relevant area in relation to a proposed electronic monitoring requirement if the court considers that it will not be practicable to secure the electronic monitoring in question unless electronic monitoring arrangements are available in that area.
- (8) Nothing in sections 3, 3AA or 3AB is to be taken to require the Secretary of State to ensure that arrangements are made for the electronic monitoring of persons released on bail.”