

2002 No. 119

CRIMINAL LAW

**The Restriction of Liberty Order (Scotland) Amendment
Regulations 2002**

Made 11th March 2002

Laid before the Scottish Parliament 11th March 2002

Coming into force

For the purposes of regulation 4(a) 16th April 2002

For all other purposes 1st May 2002

The Scottish Ministers, in exercise of the powers conferred by sections 245A(8) and 245C(3) of the Criminal Procedure (Scotland) Act 1995(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Restriction of Liberty Order (Scotland) Amendment Regulations 2002 and shall come into force for the purposes of regulation 4(a) on 16th April 2002 and for all other purposes on 1st May 2002.

(2) In these Regulations “the principal Regulations” means the Restriction of Liberty Order (Scotland) Regulations 1998(b).

Amendment of the principal Regulations

2. In regulation 2(1) (interpretation) of the principal Regulations omit the definitions of “Care Electronics”, “Geografix” and “Premier Geografix”.

3. For Schedule 1 (prescribed courts) to the principal Regulations substitute—

“SCHEDULE 1

PRESCRIBED COURTS

The courts, or classes of courts which are prescribed for the purposes of making restriction of liberty orders are—

1. The High Court of Justiciary.
 2. Any sheriff court.
 3. Any district court when constituted by a stipendiary magistrate.”.
4. In Schedule 2 (specified devices) to the principal Regulations—
- (a) after paragraph 2(e) insert—
“(f) EMS200HA Small Transmitter, model number TX-500-EP-2;

(a) 1995 c.46; sections 245A-245H were inserted by the Crime and Punishment (Scotland) Act 1997 (c.48), section 5. The functions of the Secretary of State transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1998/1802, amended by S.I. 1999/144.

- (g) EMS200HA Large Transmitter, model number TX-500-2;
 - (h) EMS200HA Home Monitoring Receiver Unit Type I, model number HMRU 500i-EU;
 - (i) EMS200HA GSM Cellphone Home Monitoring Receiver Unit, model number HMRU 610;
 - (j) EMS200HA Activator Unit, model number MRD;
 - (k) EMS200HA Alert & Activator Unit, model number MRD-RF-2;
 - (l) EMS200HA Mobile Unit, model number MBU 510;
 - (m) EMS2000iVoice Voice Verification Platform.”; and
- (b) subject to regulation 5, omit paragraphs 1, 2(d), 3 and 4.

Saving for restriction of liberty orders made before 1st May 2002

5. In relation to the case of any restriction of liberty order made before 1st May 2002–
- (a) regulation 4(b) shall not apply; and
 - (b) the devices listed in paragraphs 1, 2(d), 3 and 4 of Schedule 2 to the principal Regulations shall continue on or after that date to be specified devices for the purposes mentioned in section 245C(3) of the Criminal Procedure (Scotland) Act 1995.

JAMES R WALLACE
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
11th March 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Restriction of Liberty Order (Scotland) Regulations 1998 (“the 1998 Regulations”) which regulate aspects of the monitoring, by electronic and radio devices, of the compliance of offenders with requirements of restriction of liberty orders.

These regulations–

- (a) extend, with effect from 1st May 2002, the courts which may make restriction of liberty orders to include the High Court of Justiciary, all sheriff courts and any district court when constituted by a stipendiary magistrate (regulation 3);
- (b) specify, with effect from 16th April 2002, additional devices which may be used for the purpose of remotely monitoring (regulation 4); and
- (c) remove, with effect from 1st May 2002, all devices manufactured by Care Electronics, Geografix and Premier Geografix and one device manufactured by Elmo-tech from the list of specified devices in Schedule 2 (regulation 4). Those devices continue to be specified devices in relation to any restriction of liberty order made before 1st May 2002 (regulation 5).

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