
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 142

The Bail Conditions (Specification of Devices) and Restriction of Liberty Order (Scotland) Amendment Regulations 2005

Citation and commencement

1.—(1) These Regulations may be cited as the Bail Conditions (Specification of Devices) and Restriction of Liberty Order (Scotland) Amendment Regulations 2005.

(2) These Regulations shall come into force on 18th April 2005.

Interpretation

2. In these Regulations—

“the Act” means the Criminal Procedure (Scotland) Act 1995; and

“Elmo Tech” means Elmo Tech Limited, a company incorporated under the laws of Israel and having a place of business at 2 Harbazel Street, Tel Aviv, 61132, Israel.

Methods of monitoring compliance with movement restriction conditions

3.—(1) Compliance with the requirements of a movement restriction condition which has been made in respect of a person may be monitored by the following methods:—

- (a) radio and electronic monitoring of that person’s presence at or absence from a specified place by means of a regular radio signal transmitted by a transmitter device attached to the person with the transmitter signal received by a radio receiving and monitoring device located at a specified place, with the relevant information received and processed by that radio receiving and monitoring device periodically passed by telephone line to a central computer at a monitoring centre;
- (b) radio and electronic monitoring of that person’s presence at or absence from a specified place by a mobile receiver which receives radio signals transmitted by a transmitter device attached to the person;
- (c) monitoring that person’s whereabouts by periodic telephone calls to the person at a specified place with a secondary verification of the identity of the person by verification against stored personal details; and
- (d) monitoring that person’s whereabouts by random visits to a specified place during periods when the person is required to be at such a place (or, as the case be, required not to be there) under the movement restriction condition,

but the methods of monitoring in (b), (c) or (d) shall not be used unless it is not reasonably practicable to use the method described in (a) except that the method referred to in (c) may be used as a back-up method of monitoring where method (a) is also being used.

(2) For the purposes of this regulation “specified place” means a place or description of place specified in the movement restriction condition which has been made in respect of a person.

Specified devices which may be used for monitoring compliance with movement restriction conditions

4. For the purposes of section 24D(4) of the Act the devices listed in the Schedule to these Regulations are specified and may be used for the purpose of remotely monitoring the compliance of persons in respect of whom remote monitoring requirements have been imposed under section 24A(1) or (2) of the Act with the movement restriction conditions in respect of which they are imposed.

Amendment of the Restriction of Liberty Order (Scotland) Regulations 1998

5. In Schedule 2 (specified devices) to the Restriction of Liberty Order (Scotland) Regulations 1998(1), after paragraph 2(m) insert–

- “(n) Small transmitter, model number TX–700–2;
- (o) Large transmitter, model number TXL–700–2;
- (p) E3 Receiver: DCU–2010–2;
- (q) Data Extension Unit Repeater, model number iDEU–800–2;
- (r) Manual Reset device, model number MRD RF–700–2;
- (s) Mobile Unit, model number MU–800–2.”.

St Andrew’s House, Edinburgh
9th March 2005

HUGH HENRY
Authorised to sign by the Scottish Ministers