
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 7

CRIMINAL LAW

The Bail Conditions (Methods of Monitoring Compliance and Specification of Devices) (Scotland) Regulations 2006

Made - - - - 11th January 2006
Laid before the Scottish
Parliament - - - - 13th January 2006
Coming into force as provided for by regulation 1(2)

The Scottish Ministers, in exercise of the powers conferred by sections 24B(1)(b) and 24D(4) of the Criminal Procedure (Scotland) Act 1995(1) and all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Bail Conditions (Methods of Monitoring Compliance and Specification of Devices) (Scotland) Regulations 2006.

(2) These Regulations shall come into force on 20th February 2006, except that paragraph (3) of this regulation shall come into force on 16th April 2006.

(3) The Bail Conditions (Specification of Devices) and Restriction of Liberty Order (Scotland) Amendment Regulations 2005(2) are hereby revoked.

Interpretation

2. In these Regulations—

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

“movement restriction condition” has the meaning assigned to it by section 24A(18)(a) of the Act;

“Premier Geografix” means Premier Geografix Limited, a company incorporated under the Companies Acts under number 3522659 and having its registered office at Serco House, 16 Bartley Wood Business Park, Bartley Wood, Hook, Hampshire, RG27 9UY; and

“specified place” means a place or description of place specified in the movement restriction condition which has been made in respect of a person.

(1) 1995 c. 46; sections 24A to 24E were inserted by the [Criminal Procedure \(Amendment\) \(Scotland\) Act 2004 \(asp 5\)](#), section 17.
(2) [S.S.I. 2005/142](#).

Methods of monitoring compliance with movement restriction conditions

3. 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 may 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.

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.

St Andrew's House,
Edinburgh
11th January 2006

HUGH HENRY
Authorised to sign by the Scottish Ministers

SCHEDULE

Regulation 4

Specified for the purposes of section 24D(4) of the Act are the following devices—

Devices manufactured by Premier Geografix and sold under the Premier Geografix name:

- (a) Personal Identity Device, model number PID501;
- (b) Site Monitoring Unit, model number SMU001;
- (c) Field Management Unit 2, model number FMU2;
- (d) Monitoring Officers Transmitter 2, model number MOT2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the monitoring of certain people admitted to bail by means of electronic or radio devices. They also repeal the Bail Conditions (Specification of Devices) and Restriction of Liberty Order (Scotland) Amendment Regulation 2005 (“the 2005 Regulations”), which prescribe the methods and devices for monitoring compliance of such people with movement restriction conditions. These Regulations prescribe the same methods as in the 2005 Regulations but, following a change of contractor, prescribe different devices from those in the 2005 Regulations. By virtue of regulation 1(3), there is a period of approximately two months during which the devices specified in either set of Regulations may be used. This is to allow for an orderly transition.

Regulation 3 prescribes the methods by which compliance with movement restriction conditions may be monitored. These remain as in the 2005 Regulations.

Regulation 4 and the Schedule specify the devices which may be used for monitoring compliance with movement restriction conditions.