

**EXECUTIVE NOTE TO**  
**THE REMOTE MONITORING REQUIREMENTS (PRESCRIBED COURTS)**  
**(SCOTLAND) REVOCATION REGULATIONS 2007**  
**S.S.I. 2007/ 508**

1. These Regulations are made in exercise of the powers conferred by section 24B (1)(a) and (4) of the Criminal Procedure (Scotland) Act 1995 (c.46) (“the 1995 Act”). The instrument is subject to negative resolution procedure.

2. The Regulations revoke the Remote Monitoring Requirements (Prescribed Courts) (Scotland) Regulations 2005 (S.S.I. 2005/ 141) (“the 2005 Regulations”).

**Policy Objectives**

3. Pilots to test electronic monitoring of compliance with movement restrictions as a condition of bail commenced in 4 courts in April 2005. The policy aim was to reduce the number of accused held on remand in custody who, subject to appropriate safeguards in respect of public safety, could be released on bail into the community. The pilots were independently evaluated and following consideration of the conclusions of the evaluation and consultation with the agencies involved in the development of the pilots, Ministers agreed that the pilots should end on 31 December 2007.

**Prescription of courts**

4. Section 24B (1) of the 1995 Act empowers Scottish Ministers to make regulations prescribing:

- which courts, or description or descriptions of courts, may impose remote monitoring requirements under section 24A(1) or (2) of the 1995 Act;
- what method or methods of monitoring compliance with a movement restriction condition may be specified in any such requirement by any such court; and
- the description or descriptions of persons in respect of whom such requirements may be imposed.

5. The 2005 Regulations prescribed the courts, and descriptions of courts, which were able to impose an electronically monitored movement restriction as a condition of bail during the pilot period. Those Regulations were approved by resolution of the Parliament on 23rd February 2005.

**Purpose of these Regulations**

6. The purpose of these regulations is to revoke the 2005 Regulations, effectively bringing the pilots to an end. The prescribed courts (other than the High Court when hearing an appeal against refusal of bail subject to an electronically monitored movement restriction condition under section 24A(1) of the 1995 Act) will be able to grant bail subject to an electronically monitored movement restriction condition up until 31st December 2007. The High Court sitting in such a capacity will be able to grant bail subject to an electronically monitored movement restriction condition up until 14th January 2007. This will ensure that

all accused persons whose applications are considered shortly before 31st December 2007 will have an effective right of appeal against refusal of bail subject to such a condition.

### **Financial Effects**

7. There will be no additional costs for the Scottish Government as a result of ending the pilots. There will be limited savings in respect of electronic monitoring costs paid to Serco Ltd which were met from the electronic monitoring contract budget.

8. A regulatory impact assessment has not been prepared in this instance. These regulations will have no impact on Scottish businesses other than Serco Ltd who have been contracted to deliver the electronic monitoring service in Scotland and employ staff in order to do this. There has been a low number of electronically monitored movement restriction conditions of bail imposed over the pilot period and the loss of these orders will not impact upon Serco's business.

**Scottish Government  
Criminal Justice Directorate**

**November 2007**