

2008 No. 307

CRIMINAL LAW

**The Restriction of Liberty Order (Scotland) Amendment
Regulations 2008**

Made - - - - - *16th September 2008*

Laid before the Scottish Parliament *17th September 2008*

Coming into force *20th October 2008*

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 245C(3) of the Criminal Procedure (Scotland) Act 1995(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Restriction of Liberty Order (Scotland) Amendment Regulations 2008 and come into force on 20th October 2008.

Amendment of the Restriction of Liberty Order (Scotland) Regulations 2006

2.—(1) The Restriction of Liberty Order (Scotland) Regulations 2006(b) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “the Act” insert—

““G4S JSL” means G4S Justice Services Limited, a company incorporated under the Companies Acts under number 390328 and having its registered office at Sutton Park House, 15 Carshalton Road, Sutton, Surrey SM1 4LD;

“Guidance Monitoring Limited” means Guidance Monitoring Limited, a company incorporated under the Companies Acts under number 2626613 and having its registered office at 4 Dominus Way, Leicester LE19 1RP;”;

(b) omit the definition of “Premier Geografix”;

(c) after the definition of “restriction of liberty order” omit “and”; and

(d) at the end of the definition of “place of curfew” for “.” substitute—

“; and

“Serco Geografix” means Serco 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.”.

(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.S.I. 2006/8.

(3) For Schedule 2 substitute—

“SCHEDULE 2

Regulation 5

Devices specified for the purposes of section 245C(3) of the Act

1. Devices manufactured by Serco Geografix and sold under the Serco 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.

2. Devices manufactured by Guidance Monitoring Limited:
 - (a) Home Monitoring Unit, model number GCSHMU MU1;
 - (b) Home Monitoring Unit, model number GCSHMU MU2;
 - (c) Personal Identification Device, model number PIDGS 418;
 - (d) Personal Identification Device, model number PIDGCS 433;
 - (e) Hand Held Unit, model number HHU GCS;
 - (f) New Fitting Tool, model number FIT GML.

3. Devices manufactured by G4S JSL:
 - (a) Home Monitoring Unit, model number GSM JSI (PHMU);
 - (b) Personal Identification Device, model number PID 1.1 JSI (PTX);
 - (c) Officer Drive including officer transmitter, model number PMD.”.

KENNY MACASKILL

A member of the Scottish Executive

St Andrew's House,
Edinburgh
16th September 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Restriction of Liberty Order (Scotland) Regulations 2006 (SSI 2006/8) (“the principal Regulations”) by specifying additional devices and updating the name of the manufacturer of existing devices.

Section 245C(3) of the Criminal Procedure (Scotland) Act 1995 requires the Scottish Ministers to specify in regulations the devices which may be used for remotely monitoring the compliance of offenders with the requirements of restriction of liberty orders. Schedule 2 to the principal Regulations sets out these devices. These Regulations insert a new Schedule 2 to the principal Regulations to specify additional devices that may be used for the remote monitoring of compliance of offenders with the requirements of restriction of liberty orders. It also amends the name of the manufacturer of the devices specified in the principal Regulations. The devices listed in the principal Regulations remain specified for the purposes of section 245C(3) of that Act.

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