

## POLICY NOTE

### THE RESTRICTION OF LIBERTY ORDER ETC. (SCOTLAND) AMENDMENT REGULATIONS 2016

#### SSI 2016/89

1. Section 245C(3) of the Criminal Procedure (Scotland) Act 1995 (“**the 1995 Act**”) (as applied by section 40(7) of the 2003 Act) requires Scottish Ministers to specify devices for the purposes of remote monitoring imposed under section 40(2) of the Criminal Justice (Scotland) Act 2003 (“**the 2003 Act**”).
2. The Restriction of Liberty Order etc. (Scotland) Regulations 2013 (“**the 2013 Regulations**”) specify devices for the purposes of remotely monitoring an offender’s compliance with—
  - a restriction of liberty order imposed under section 245A of the 1995 Act;
  - a restricted movement requirement imposed under section 227E of the 1995 Act as a sanction for breaching a community payback order;
  - a curfew condition imposed as part of a drug treatment and testing order under section 234CA of the 19095 Act; and
  - a curfew requirement imposed under section 12AB of the Prisoners and Criminal Proceedings (Scotland) Act 1993 for the purposes of home detention curfew.
3. These regulations amend the 2013 Regulations so as to provide that the devices specified for the purposes mentioned above are also specified for the purpose of remotely monitoring an offender’s compliance with a condition specified by virtue of section 40(2) of the 2003 Act.
4. The devices already specified in the 2013 Regulations for the purposes mentioned above have been shown to be effective in securing the remote monitoring of offenders for those purposes. These devices are therefore considered suitable for the purposes of remote monitoring imposed under section 40 of the 2003 Act.

#### **Impact Assessments and Financial Effects**

5. This is a technical instrument and as such has no significant financial, equality or privacy effects on the Scottish Government, local authorities or on business.

Community Justice Division  
February 2016