



# Criminal Procedure (Scotland) Act 1995

## 1995 CHAPTER 46

### PART XI

#### SENTENCING

##### *[<sup>F1</sup>Restricted movement requirement*

##### **[<sup>F1</sup>227Z]Restricted movement requirement: effect**

- (1) In this Act, a “restricted movement requirement” is, in relation to an offender, a requirement restricting the offender's movements to such extent as is specified.
- (2) A restricted movement requirement may in particular require the offender—
  - (a) to be in a specified place at a specified time or during specified periods, or
  - (b) not to be in a specified place, or a specified class of place, at a specified time or during specified periods.
- (3) In imposing a restricted movement requirement containing provision under subsection (2)(a), the court must ensure that the offender is not required, either by the requirement alone or the requirement taken together with any other relevant requirement or order, to be at any place for periods totalling more than 12 hours in any one day.
- (4) In subsection (3), “other relevant requirement or order” means—
  - (a) any other restricted movement requirement in effect in respect of the offender at the time the court is imposing the requirement referred to in subsection (3), and
  - (b) any restriction of liberty order under section 245A in effect in respect of the offender at that time.
- (5) A restricted movement requirement—
  - (a) takes effect from the specified day, and
  - (b) has effect for such period as is specified.

*Status: Point in time view as at 01/04/2011. This version of this provision has been superseded.*

**Changes to legislation:** Criminal Procedure (Scotland) Act 1995, Section 227ZF is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) The period specified under subsection (5)(b) must be—
- (a) not less than 14 days, and
  - (b) subject to subsections (7) and (8), not more than 12 months.
- (7) Subsection (8) applies in the case of a restricted movement requirement imposed for failure to comply with a requirement of a community payback order—
- (a) where the offender was under 18 years of age at the time the order was imposed, or
  - (b) where the only requirement imposed by the order is a level 1 unpaid work or other activity requirement.
- (8) The period specified under subsection (5)(b) must be not more than—
- (a) where the order was imposed by a justice of the peace court, 60 days, or
  - (b) in any other case, 3 months.
- (9) A court imposing a restricted movement requirement must specify in it—
- (a) the method by which the offender's compliance with the requirement is to be monitored, and
  - (b) the person who is to be responsible for monitoring that compliance.
- (10) The Scottish Ministers may by regulations made by statutory instrument substitute—
- (a) for the number of hours for the time being specified in subsection (3) another number of hours,
  - (b) for the number of months for the time being specified in subsection (6)(b) another number of months.
- (11) Regulations are not to be made under subsection (10) unless a draft of the statutory instrument containing the regulations has been laid before and approved by resolution of the Scottish Parliament.
- (12) In this section, “ specified ”, in relation to a restricted movement requirement, means specified in the requirement. ]

#### Textual Amendments

- F1** Ss. 227A-227ZN and cross-headings inserted (1.2.2011 except for the insertion of s. 227ZM, 1.4.2011 in so far as not already in force) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), ss. [14\(1\)](#), 206(1); S.S.I. 2010/413, art. 2, sch. (with art. 3(1))

**Status:**

Point in time view as at 01/04/2011. This version of this provision has been superseded.

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