



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 6

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Remands and committals*

#### **131 Monitoring of compliance with bail conditions**

- (1) In section 3 of the Bail Act 1976 (c. 63) (general provisions), after subsection (6) there shall be inserted—

“(6ZAA) Subject to section 3AA below, if he is a child or young person he may be required to comply with requirements imposed for the purpose of securing the electronic monitoring of his compliance with any other requirement imposed on him as a condition of bail.”

- (2) After that section there shall be inserted—

#### **“3AA Electronic monitoring of compliance with bail conditions**

- (1) A court shall not impose on a child or young person a requirement under section 3(6ZAA) above (an “electronic monitoring requirement”) unless each of the following conditions is satisfied.
- (2) The first condition is that the child or young person has attained the age of twelve years.
- (3) The second condition is that—
- (a) the child or young person is charged with or has been convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 131. (See end of Document for details)*

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- (b) he is charged with or has been convicted of one or more imprisonable offences which, together with any other imprisonable offences of which he has been convicted in any proceedings—
  - (i) amount, or
  - (ii) would, if he were convicted of the offences with which he is charged, amount,
 to a recent history of repeatedly committing imprisonable offences while remanded on bail or to local authority accommodation.
- (4) The third condition is that the court—
  - (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in each petty sessions area which is a relevant area; and
  - (b) is satisfied that the necessary provision can be made under those arrangements.
- (5) The fourth condition is that a youth offending team has informed the court that in its opinion the imposition of such a requirement will be suitable in the case of the child or young person.
- (6) Where a court imposes an electronic monitoring requirement, the requirement shall include provision for making a person responsible for the monitoring; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (7) The Secretary of State may make rules for regulating—
  - (a) the electronic monitoring of compliance with requirements imposed on a child or young person as a condition of bail; and
  - (b) without prejudice to the generality of paragraph (a) above, the functions of persons made responsible for securing the electronic monitoring of compliance with such requirements.
- (8) Rules under this section may make different provision for different cases.
- (9) Any power of the Secretary of State to make an order or rules under this section shall be exercisable by statutory instrument.
- (10) A statutory instrument containing rules made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) In this section “local authority accommodation” has the same meaning as in the Children and Young Persons Act 1969 (c. 54).
- (12) For the purposes of this section a petty sessions area is a relevant area in relation to a proposed electronic monitoring requirement if the court considers that it will not be practicable to secure the electronic monitoring in question unless electronic monitoring arrangements are available in that area.”
- (3) In subsection (7) of that section (cases where parent or guardian may be required to secure compliance with requirements), after “(6)” there shall be inserted “, (6ZAA) ”.
- (4) In section 3A(3) of that Act (which modifies section 3 of that Act in its application to bail granted by a custody officer), after “subsections” there shall be inserted “ (6ZAA), ”.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 131.