

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Cross Heading: Electronic monitoring requirements. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 5A

BREACH OF INJUNCTION: POWERS OF COURT IN RESPECT OF UNDER-18S

Textual Amendments

- F1** Sch. 5A inserted (E.W.) (9.1.2012) by [Crime and Security Act 2010 \(c. 17\)](#) , **ss. 39(3)** , 59(1) ; S.I. 2011/3016 , art. 2(d)

PART 2

SUPERVISION ORDERS

Electronic monitoring requirements

- 6 (1) A supervision order containing a curfew requirement may also contain a requirement (an “electronic monitoring requirement”) for securing the electronic monitoring of compliance with the curfew requirement during a period—
- (a) specified in the order, or
 - (b) determined by the responsible officer in accordance with the order.
- (2) In a case referred to in sub-paragraph (1)(b), the responsible officer must, before the beginning of the period when the electronic monitoring requirement is to take effect, notify—
- (a) the defaulter,
 - (b) the person responsible for the monitoring, and
 - (c) any person falling within sub-paragraph (3)(b),
- of the time when that period is to begin.
- (3) Where—
- (a) it is proposed to include an electronic monitoring requirement in a supervision order, but
 - (b) there is a person (other than the defaulter) without whose co-operation it will not be practicable to secure that the monitoring takes place,
- the requirement may not be included in the order without that person's consent.
- (4) A supervision order imposing an electronic monitoring requirement must include provision for making a person responsible for the monitoring.
- (5) The person who is made responsible for the monitoring must be of a description specified in an order under paragraph 26(5) of Schedule 1 to the Criminal Justice and Immigration Act 2008.

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- (6) An electronic monitoring requirement may not be included in a supervision order unless the court making the order—
- (a) has been notified by the youth offending team for the time being specified in the order that arrangements for electronic monitoring are available in the area where the place which the court proposes to specify in the order for the purposes of the curfew requirement is situated, and
 - (b) is satisfied that the necessary provision can be made under the arrangements currently available.
- (7) Where a supervision order contains an electronic monitoring requirement, [^{F2}a youth] court may, on the application of the injunction applicant or the defaulter, amend the order by substituting a new period for the period specified in the order under this paragraph.
- (8) Sub-paragraph (3) applies in relation to the variation of an electronic monitoring requirement under sub-paragraph (7) as it applies in relation to the inclusion of such a requirement.]

Textual Amendments

F2 Words in [Sch. 5A para. 6\(7\)](#) substituted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 12 para. 10](#) (with [s. 18\(6\)](#)); [S.I. 2015/813, art. 3\(c\)](#)

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