
STATUTORY INSTRUMENTS

1998 No. 1802 (S. 94)

CRIMINAL LAW, SCOTLAND

The Restriction of Liberty Order (Scotland) Regulations 1998

<i>Made</i>	- - - -	<i>17th July 1998</i>
<i>Laid before Parliament</i>		<i>23rd July 1998</i>
<i>Coming into force</i>	- -	<i>17th August 1998</i>

The Secretary of State, in exercise of the powers conferred on him by sections 245A(8) and 245C(3) of the Criminal Procedure (Scotland) Act 1995(1) and of all other powers enabling him in that behalf hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Restriction of Liberty Order (Scotland) Regulations 1998.

(2) These Regulations shall come into force on 17th August 1998.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Criminal Procedure (Scotland) Act 1995;

“Care Electronics” means Care Electronics Inc., a company incorporated under the laws of the State of Colorado, having a place of business at 4700 Sterling Drive, Ste D., Boulder, Colorado, United States of America;

“Elmo Tech” means Elmo Tech Limited, a company incorporated under the laws of Israel and having a place of business at 2 Harbazel Street, Tel Aviv, 61132 Israel;

“Geografix” means Geografix Limited a limited company incorporated under the Companies Acts having a place of business at Hurricane Way, Norwich, Norfolk NR6 6EW, England;

“offender” has the meaning assigned to it by section 245A(1) of the Act;

“restriction of liberty order” has the meaning assigned to it by section 245A(1) of the Act; and

“place of curfew” means that place specified in a restriction of liberty order in terms of section 245A(1) and section 245A(2)(a) or (b) of the Act, which the offender is required to be in or, as the case may be, not be in.

(1) 1995 c. 46; sections 245A-245H were inserted by the Crime and Punishment (Scotland) Act 1997 (c. 48), section 5.

Prescribed courts

3. The courts which are prescribed for the purposes of making restriction of liberty orders are those listed in Schedule 1 to these Regulations.

Methods of monitoring compliance with restriction of liberty orders

4. Compliance of an offender with the requirements of a restriction of liberty order which has been made in respect of him may be monitored by the following methods—

- (a) radio and electronic monitoring of an offender's presence at or absence from a place of curfew by means of a regular radio signal transmitted by a transmitter device attached to the offender with the transmitted signal received by a radio receiving and monitoring device located at the place of curfew, with the relevant information received and processed by said radio receiving and monitoring device periodically passed by telephone line to a central computer at a monitoring centre;
- (b) radio and electronic monitoring of an offender's presence at or absence from a place of curfew by a mobile receiver which receives radio signals transmitted by transmitter device attached to the offender;
- (c) monitoring the offender's whereabouts by periodic telephone calls to the offender at a particular location with secondary verification of the identity of the offender by verification against stored personal details; and
- (d) monitoring the offender's whereabouts by random visits to the offender's place of curfew during periods of restriction,

but the methods of monitoring referred to in (b), (c) or (d) shall not be used unless it is not reasonably practicable to use the method described in (a) except that the method referred to in (c) may be used as a back-up method of monitoring where method (a) is also being used.

Specified devices which may be used for monitoring compliance with requirements of a restriction of liberty order

5. For the purposes of section 245C(3) of the Act the devices listed in Schedule 2 to these Regulations are specified and may be used for the purpose of remotely monitoring the compliance of an offender with the requirements of a restriction of liberty order.

St Andrew's House,
Edinburgh
17th July 1998

Henry McLeish
Minister of State, Scottish Office

SCHEDULE 1

Regulation 3

PRESCRIBED COURTS

The courts, or class or classes of courts which are prescribed for the purposes of making restriction of liberty orders are—

1. The Sheriffdom of Grampian, Highland and Islands at (a) Aberdeen, (b) Peterhead.
2. The Sheriffdom of South Strathclyde, Dumfries and Galloway at Hamilton.

SCHEDULE 2

Regulation 5

SPECIFIED DEVICES

Specified for the purposes of section 245C(3) of the Act are the following devices:—

1. Devices manufactured by Geografix and sold under the Geografix name:
 - (a) GEM Transmitter;
 - (b) GEM Site Monitoring Unit;
 - (c) GEM Field Management Unit;
 - (d) GEM Monitoring Officers Transmitter;
 - (e) GEM Central Computer System.
2. Devices manufactured and sold by Elmo Tech:
 - (a) EMS 2000 Transmitter, model number Txmr 500;
 - (b) EMS 2000 Home Monitoring Receiver Unit, model number HMRU500;
 - (c) EMS 2000 Mobile Receiver, model number MobR500;
 - (d) EMS 2000 Victim Mobile Receiver, model number VMU 500;
 - (e) EMS Data Base Management System, model CMS/NT.
3. Device manufactured and sold by Care Electronics—
 - (a) Voice Verification System, model number 101.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under sections 245A(8) and 245C(3) of the Criminal Procedure (Scotland) Act 1995 as inserted by section 5 of the Crime and Punishment (Scotland) Act 1997, regulate aspects of the monitoring by electronic and radio devices the compliance of offenders with requirements of restriction of liberty orders.

Regulation 3 and Schedule 1 prescribe which courts may use these monitoring methods. As at 17th August 1998 only the sheriff courts at Aberdeen, Peterhead and Hamilton will be empowered to use

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

these methods, but it is expected later to extend the scheduled courts by amendment to the Schedule depending on the success or otherwise of operating the devices at those sheriff courts.

Regulation 4 sets out what monitoring methods may be used.

Regulation 5 and Schedule 2 specify what devices may be used for monitoring.