
STATUTORY INSTRUMENTS

2014 No. 3141

The Criminal Justice and Data Protection
(Protocol No. 36) Regulations 2014

PART 7

European Supervision Order

CHAPTER 3

European supervision orders: Northern Ireland

Recognition of supervision measures: requests from other member States

Requests from other member States for monitoring supervision measures

104.—(1) This regulation applies if a competent authority of a member State other than the United Kingdom (“the issuing State”)—

- (a) makes a decision on supervision measures, and
- (b) makes a request for monitoring of supervision measures under the Framework Decision.

(2) The competent authority makes a “request for monitoring of supervision measures under the Framework Decision” if it or the central authority of the issuing State gives the central authority for Northern Ireland—

- (a) the decision on supervision measures or a certified copy of it,
- (b) a certificate requesting monitoring under the Framework Decision, and
- (c) if the certificate is not in English, a copy of the certificate translated into English.

(3) The central authority for Northern Ireland must give those documents to a magistrates’ court acting for the petty sessions district in which it appears that the person subject to the supervision measures is normally resident.

(4) The magistrates’ court must decide whether it is satisfied that any of the grounds for refusal in Schedule 6 apply.

(5) If the magistrates’ court decides that none of the grounds for refusal applies, it must notify the competent authority without delay that it has decided to recognise the decision on supervision measures and, accordingly, to take the measures necessary for securing that the supervision measures are monitored.

(6) If the magistrates’ court decides that the only ground for refusal which applies is that mentioned in paragraph 8 of Schedule 6, it may inform the competent authority that—

- (a) it could refuse to monitor the supervision measures on the ground mentioned in Article 15(1)(h) of the Framework Decision (giving reasons for the possible refusal), but
- (b) it is nevertheless willing to monitor them.

(7) If—

- (a) the magistrates' court informs the competent authority under paragraph (6), and
- (b) the competent authority does not inform the magistrates' court that it has withdrawn the certificate requesting monitoring under the Framework Decision in accordance with Article 15(3) of that Decision,

the magistrates' court must notify the competent authority without delay that it has decided to recognise the decision on supervision measures and, accordingly, to take the measures necessary for securing that the supervision measures are monitored.

(8) If the magistrates' court decides that one or more of the grounds for refusal applies and does not inform the competent authority under paragraph (6), it must notify the competent authority without delay—

- (a) that it has decided not to recognise the decision on supervision measures and, accordingly, not to assume responsibility for monitoring the supervision measures, and
- (b) of the reasons for its decision.

(9) The magistrates' court must notify the competent authority without delay if, at any time after receiving the documents mentioned in paragraph (2) and before making a notification under paragraph (5), (7) or (8), it becomes aware of any change of residence of the person subject to the decision on supervision measures.

(10) In this regulation, regulations 105 to 113 and Schedule 6 “decision on supervision measures” and “supervision measures” have the meanings given by Article 4 of the Framework Decision (definitions).

(11) In regulations 105 to 113 and Schedule 6 (so far as relating to Northern Ireland)—

“the competent authority of the issuing State”, in relation to a request for monitoring of supervision measures under the Framework Decision, means the competent authority which makes the request;

“the issuing State”, in relation to a request for monitoring of supervision measures under the Framework Decision, means the member State of the competent authority which makes the request;

“request for monitoring of supervision measures under the Framework Decision” is to be read in accordance with this regulation.