
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 to other member States

Recognition of request

98.—(1) A court which has made a decision on supervision measures ceases to be responsible for monitoring the supervision measures if—

- (a) the court makes a request under regulation 96 for the competent authority of the executing State to monitor those measures under the Framework Decision, and
- (b) the competent authority notifies the court that it has decided to recognise the decision on supervision measures under the Framework Decision.

(2) The fact that the court has ceased to be responsible for monitoring the supervision measures does not affect the court's jurisdiction to take subsequent decisions in relation to the decision on supervision measures, including decisions about—

- (a) renewal, review or withdrawal of the decision on supervision measures,
- (b) modification of the supervision measures, and
- (c) the issue of a warrant for the arrest of the person subject to the decision.

(3) Where the person subject to the decision on supervision measures is in the executing State, the court may permit the person to attend through a live link any hearing as to whether or not to take a subsequent decision in relation to the decision.

(4) The person is to be treated as present in court when attending a hearing through a live link by virtue of paragraph (3).

(5) "Live link" means an arrangement by which a person (when not in the place where a hearing is being held) is able—

- (a) to see and hear the court during the hearing, and
- (b) to be seen and heard by the court during the hearing;

(and for this purpose any impairment of eyesight or hearing is to be disregarded).

(6) Where a subsequent decision relating to a person is a decision to withhold bail, the court making the decision must require the person to surrender to custody in Northern Ireland at a time appointed by the court.

(7) The fact that the court has ceased to be responsible for monitoring the supervision measures does not affect any power conferred on a constable by the Criminal Justice (Northern Ireland) Order 2003⁽¹⁾ or the Prison Act (Northern Ireland) 1953⁽²⁾ to arrest without warrant the person subject to the decision on supervision measures.

(8) Where the court has ceased to be responsible for monitoring the supervision measures, the Extradition Act 2003 has effect in relation to the person subject to the decision on supervision measures as if the provisions listed in section 142(8A) of that Act included article 6 of the Criminal Justice (Northern Ireland) Order 2003 (even if the court subsequently becomes responsible for monitoring the supervision measures again).

(1) S.I. 2003/1247 (N.I. 13).
(2) 1953 c.18 (N.I.).