

These notes relate to the Management of Offenders (Scotland) Act 2019 (asp 14) which received Royal Assent on 30 July 2019

MANAGEMENT OF OFFENDERS (SCOTLAND) ACT 2019

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part 1 – Electronic Monitoring Etc.

Devices, use and information

Section 8 – Approved devices to be prescribed

38. Section 8(1) provides that an approved device, in relation to the electronic monitoring of a person either in relation to a court disposal or on release from prison/young offenders institution on licence, is an electronic device prescribed in regulations made by the Scottish Ministers.
39. Section 8(2) provides that the type of device that may be specified in regulations made by the Scottish Ministers includes devices to monitor a person's whereabouts (including being at or not at a particular place) or detect whether they have consumed, taken, or ingested alcohol, drugs or other substances (and to measure the level of alcohol, drugs or other substances).
40. Section 8(3) provides that regulations under (1) may include provision as to any apparatus linked to a device as well as prescribing the device itself.

Section 9 – Use of devices and information

41. Section 9 provides the Scottish Ministers with regulation-making powers under affirmative procedure to make provision in relation to the use of approved devices, and the use of information obtained through the monitoring of a person by means of such devices. It also sets out a number of examples of what regulations made under these powers may do.