

MANAGEMENT OF OFFENDERS (SCOTLAND) ACT 2019

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part 1 – Electronic Monitoring Etc.

Arrangements and designation

Section 10 – Arrangements for monitoring system

42. Section 10(1) provides that the Scottish Ministers are obliged to make arrangements to secure the monitoring of a person, by means of an approved device, in connection with an electronic monitoring requirement made in relation to either a relevant court disposal or licence condition. Section 10(3) states that different arrangements may be made by the Scottish Ministers, under section 10(1), for different purposes.
43. Section 10(2) provides that the Scottish Ministers are obliged to keep the Scottish Courts and Tribunals Service informed of the identity of persons who are eligible for the courts to designate under section 11(1)(a). This designated person being responsible for monitoring a person for the purposes of an electronic monitoring requirement imposed by the court.

Section 11 – Designation of person to do monitoring

44. Section 11(1) provides that where an electronic monitoring requirement is made under section 1(1), the court must designate a person responsible for monitoring the person subject to the requirement and notify the monitored person of that designation. It further provides a list of information which the court must send to the designated person.
45. Section 11(2) provides that where an electronic monitoring requirement is made under section 5(1), the Scottish Ministers must designate a person responsible for monitoring the person subject to the requirement and notify the monitored person of that designation. It further provides a list of information which the Scottish Ministers must send to the designated person.
46. Section 11(3) specifies that if the relevant disposal or condition is suspended, the designated person's responsibility for monitoring the monitored person is likewise suspended. It also provides that the designated person's responsibility ends when the disposal ceases, or the conditions cease to have effect, or if someone else is designated as a replacement.
47. Section 11(4) provides that if the designated person can no longer discharge their responsibility to monitor a monitored person the court or the Scottish Ministers (as the case may be) must designate a replacement. It also provides that the court or the Scottish Ministers must notify the monitored person of the replacement designated person, and send the replacement designated person the same information as was provided to the person first (or previously) designated.