

MANAGEMENT OF OFFENDERS (SCOTLAND) ACT 2019

EXPLANATORY NOTES

SCHEDULES

Schedule 1 (introduced by section 16) – Court orders and electronic monitoring

211. The schedule is split into two parts. Part 1 amends existing provisions about court orders and Part 2 contains consequential amendments.

Part 1– Additional provisions

Certain restrictive measures

212. Paragraph 1 amends section 209 of the 1995 Act to provide that a supervised release order ceases to have effect where a person becomes a long-term prisoner by virtue of the rules on single-terming of sentences under section 27(5) of the 1993 Act.
213. Paragraph 2 amends the 1995 Act to allow for the imposition of a restricted movement requirement as part of a community payback order ('CPO') at the initial point of sentence, and make a number of necessary consequential changes as a result. A restricted movement requirement is a requirement in a CPO that allows the court to restrict a person's movement so as to either be in a specified place at a specified time or during specified periods; or not to be in a specified place, or a specified class of places, at a specified time or during specified periods.
214. Paragraph 3 amends section 234AZA(4)(a) of the 1995 Act so as to provide greater clarity that the 'question' referred to at sections 234AZA(4)(b) and (c) is the question of whether to make a non-harassment order in the person's case.

Notification, reports and addresses

215. Paragraph 4 inserts new section 245DA into the 1995 Act which provides that, where the court makes a listed order in relation to an offender in the knowledge that the offender is already subject to another of those listed orders, the clerk of court must inform the person responsible for monitoring compliance with the existing order as well as the local authority in which the offender resides. This obligation does not apply in relation to a CPO imposed for default in payment of a fine. The listed orders are a restriction of liberty order, a CPO and a drug treatment and testing order.
216. Paragraph 5 amends sections 227ZG(2), 227ZH(2), 245A(6) and 245E(4A) of the 1995 Act to specify that before imposing or varying a restricted movement requirement as part of a CPO, and before imposing or varying a restriction of liberty order, the report that the court is required to consider must be written, and must include information on the suitability of the proposed place at which the offender's movements are to be restricted.

Part 2– Consequential provisions

217. Paragraphs 5 to 9 make amendments to the Prisoners and Criminal Proceedings (Scotland) Act 1993, the Criminal Procedure (Scotland) Act 1995, the Crime and Punishment (Scotland) Act 1997, the Criminal Justice (Scotland) Act 2003 and the Custodial Sentences and Weapons (Scotland) Act 2007. These amendments are made in consequence of the provisions in Part 1 of the Bill.

Schedule 2 (introduced by section 34)

Rehabilitation of Offenders Act 1974

218. Schedule 2 makes minor and consequential amendments to the 1974 Act. This includes changes to the terminology and titles where appropriate throughout the 1974 Act.