



# Management of Offenders (Scotland) Act 2019 2019 asp 14

## PART 1

### ELECTRONIC MONITORING ETC.

#### *Arrangements and designation*

#### **10 Arrangements for monitoring system**

- (1) The Scottish Ministers must make contractual or other arrangements to secure the monitoring of a person—
  - (a) by means of an approved device, and
  - (b) in connection with a requirement made under—
    - (i) section 1(1), or
    - (ii) section 5(1).
- (2) The Scottish Ministers must keep the Scottish Courts and Tribunals Service informed of the identity of whoever is eligible for designation by a court under section 11(1)(a) (including by reference to eligibility in all or some circumstances).
- (3) Different arrangements may be made under subsection (1) for different purposes (including arrangements of temporary or local effect).

#### **Commencement Information**

- II** S. 10 in force at 17.5.2022 by S.S.I. 2022/94, reg. 2(2)(f) (with reg. 1(2))

#### **11 Designation of person to do monitoring**

- (1) When a requirement is made under section 1(1), the court must—
  - (a) designate a person to be responsible for monitoring the monitored person by means of an approved device for the purpose mentioned in section 1(4),

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**Changes to legislation:** There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Cross Heading: Arrangements and designation. (See end of Document for details)

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- (b) notify the monitored person that a person has been designated under paragraph (a),
  - (c) send to the designated person—
    - (i) intimation of the fact of designation,
    - (ii) the date on which monitoring of the monitored person is to begin,
    - (iii) details of the requirement and the specified aspects of the associated disposal, and
    - (iv) any further information that it considers appropriate.
- (2) When a requirement is made under section 5(1), the Scottish Ministers must—
- (a) designate a person to be responsible for monitoring the monitored person by means of an approved device for the purpose mentioned in section 5(4),
  - (b) notify the monitored person that a person has been designated under paragraph (a),
  - (c) send to the designated person—
    - (i) intimation of the fact of designation,
    - (ii) the date on which monitoring of the monitored person is to begin,
    - (iii) details of the requirement and the specified aspects of the associated conditions, and
    - (iv) any further information that they consider appropriate.
- (3) The designated person's responsibility for monitoring the monitored person—
- (a) is suspended if the disposal is or (as the case may be) the conditions are suspended,
  - (b) ends—
    - (i) when the disposal ceases or (as the case may be) the conditions cease to have effect, or
    - (ii) if someone else is designated under subsection (1)(a) or (as the case may be) (2)(a) as a replacement.
- (4) If the designated person can no longer discharge the person's responsibility for monitoring the monitored person—
- (a) someone else must be designated under subsection (1)(a) or (as the case may be) (2)(a) as a replacement, and
  - (b) subsection (1)(b) and (c) or (as the case may be) (2)(b) and (c) applies again.
- (5) See section 10(2) for who is eligible for designation by the court under subsection (1) (a).
- (6) In subsections (1) to (4)—
- (a) a reference to the designated person is to whoever is for the time being designated under subsection (1)(a) or (as the case may be) (2)(a),
  - (b) a reference to the monitored person is to the person subject to the requirement made under section 1(1) or (as the case may be) 5(1),
  - (c) a reference to the specified aspects of the disposal or the conditions in question has the same meaning as is given by section 1(7) or (as the case may be) 5(7).

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**Commencement Information**

**I2** S. 11 in force at 17.5.2022 by S.S.I. 2022/94, reg. 2(2)(g) (with reg. 1(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Cross Heading: Arrangements and designation.