



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

## PART 1

### ELECTRONIC MONITORING ETC.

#### *Devices, use and information*

#### **8 Approved devices to be prescribed**

- (1) An approved device, in relation to a requirement under—
- (a) section 1(1), or
  - (b) section 5(1),
- is an electronic device of a type prescribed in regulations made by the Scottish Ministers.
- (2) A type of device that may be prescribed in regulations under subsection (1) includes—
- (a) a device for monitoring a person's whereabouts in some manner (including of being at, or not being at, a particular place), or
  - (b) a device for—
    - (i) detecting whether a person has consumed, taken or ingested alcohol, drugs or other substances, or
    - (ii) measuring the level of alcohol, drugs or other substances consumed, taken or ingested by a person.
- (3) Regulations under subsection (1) may include provision as to any apparatus to be linked to a device as well as prescribing the device itself.

#### **Commencement Information**

**11** S. 8 in force at 1.10.2020 by S.S.I. 2020/283, reg. 2(c)

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

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## 9 Use of devices and information

- (1) The Scottish Ministers may by regulations make provision about—
  - (a) the use of an approved device in connection with a requirement made under—
    - (i) section 1(1), or
    - (ii) section 5(1),
  - (b) the use of information obtained through monitoring of a person by means of such a device for the purpose mentioned in section 1(4) or 5(4).
- (2) Subsections (3) to (5) give examples of what regulations under subsection (1) may do.
- (3) Regulations may set out how or when a device is to be—
  - (a) worn by a person subject to a requirement made under section 1(1) or 5(1), or
  - (b) used in some other way by a person subject to such a requirement.
- (4) Regulations may provide for—
  - (a) circumstances in which a particular type of device is, or is not, to be used,
  - (b) what information may, or may not, be gathered—
    - (i) at particular times,
    - (ii) in particular circumstances.
- (5) Regulations may—
  - (a) allow or restrict the use or sharing of information obtained through monitoring,
  - (b) fix periods—
    - (i) during which such information may be retained,
    - (ii) after which such information must be destroyed.

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### Commencement Information

**I2** S. 9 in force at 1.10.2020 by S.S.I. 2020/283, reg. 2(d)

**Changes to legislation:**

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