

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

SCHEDULE 1 COURT ORDERS AND ELECTRONIC MONITORING

PART 1

ADDITIONAL PROVISIONS

Certain restrictive measures

- 1 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 209, after subsection (7A) there is inserted—
- “(7B) A supervised release order made in relation to a person is to be taken to be of no effect if the person becomes a long-term prisoner, as defined in section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993, because of the treating of—
- (a) a sentence in association with which the order is made, and
 - (b) any other sentence (whenever imposed on the person),
- together as a single term by virtue of section 27(5) of that Act.”.

Commencement Information

II Sch. 1 para. 1 in force at 11.10.2019 by S.S.I. 2019/309, reg. 2, sch.

- 2 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 227A, after paragraph (i) of subsection (2) there is inserted—
- “(j) a restricted movement requirement.”.
- (3) In section 227G—
- (a) in subsection (2), in paragraph (b)—
 - (i) in sub-paragraph (iv), after the word “health” there is inserted “treatment”,
 - (ii) the word “or” immediately preceding sub-paragraph (vii) is repealed,
 - (iii) after sub-paragraph (vii) there is inserted “, or
 - (viii) a restricted movement requirement.”,
 - (b) in subsection (4), for the words “subsection (5) and section 227ZE(4)” there is substituted “subsections (4A) and (5)”,
 - (c) after subsection (4) there is inserted—
- “(4A) Where an offender supervision requirement is imposed because of the imposition of a restricted movement requirement—
- (a) the minimum period in subsection (3) does not apply,
 - (b) the court must ensure that the specified period does not expire before the expiry of the period during which the restricted movement requirement has effect by virtue of section 227ZF(5)(b).”.

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- (a) before subsection (1) there is inserted—
 - “(A1) Despite the generality of sections 227Z(2) and 227ZC(7)(d) for variation of a community payback order—
 - (a) a restricted movement requirement put or kept in the order must be accompanied in the order by an offender supervision requirement, and
 - (b) the court must ensure that the offender supervision requirement does not cease to have effect before the restricted movement requirement ceases to have effect.”
 - (b) subsections (1) to (4) are repealed,
 - (c) in subsection (5)—
 - (i) for the words “varies the order” there is substituted “ makes or varies a community payback order ”,
 - (ii) for the words “the order making the variation” there is substituted “ the order imposing the requirement ”.
- (5) In section 227ZF, in subsection (7)—
- (a) in the opening text, for the words from “in the case of” to “requirement of” there is substituted “ as follows in relation to ”,
 - (b) in paragraph (a), at the beginning there is inserted “in the case of any restricted movement requirement imposed by the order,”,
 - (c) in paragraph (b), for the words “where the only requirement” there is substituted “ in the case of a restricted movement requirement imposed under section 227ZC(7)(d), where the only requirement (apart from the restricted movement requirement) ”.

Commencement Information

I2 Sch. 1 para. 2 in force at 17.5.2022 by S.S.I. 2022/94, reg. 2(2)(1) (with regs. 1(2), 3(2))

- 3 (1) The Criminal Procedure (Scotland) Act 1995 is amended as follows.
- (2) In section 234AZA, in paragraph (a) of subsection (4), after the word “consider” there is inserted “ the question of ”.

Commencement Information

I3 Sch. 1 para. 3 in force at 11.10.2019 by S.S.I. 2019/309, reg. 2, sch.

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