



# Management of Offenders (Scotland) Act 2019

2019 asp 14

## PART 1

### ELECTRONIC MONITORING ETC.

#### *Monitoring in criminal proceedings*

#### **1 Requirement when disposing of case**

- (1) When making a person subject to a disposal listed in section 3(2), a court may additionally require the person to submit to monitoring by means of an approved device.
- (2) Section 8(1) describes what an approved device is in relation to a requirement under subsection (1).
- (3) A requirement under subsection (1) means that the person—
  - (a) is to be monitored by a person designated under section 11(1)(a), and
  - (b) is bound by the obligations set out in section 12(2) and (3).
- (4) Monitoring by virtue of a requirement under subsection (1) is for the purpose of ascertaining whether the person—
  - (a) is complying with the specified aspects of the disposal, and
  - (b) is fulfilling the obligations set out in section 12(2) and (3).
- (5) The court must—
  - (a) explain to the person the purpose mentioned in subsection (4), and
  - (b) warn the person of the consequences of failing to fulfil the obligations set out in section 12(2) and (3).
- (6) A requirement under subsection (1) is to be made by means of an order of the court (the form of which is to be prescribed by Act of Adjournal).
- (7) In subsection (4)(a), the reference to the specified aspects is to the particular aspects specified by the court when disposing of the person's case.

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**Changes to legislation:** There are currently no known outstanding effects for the  
Management of Offenders (Scotland) Act 2019, Section 1. (See end of Document for details)

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#### Commencement Information

- II** S. 1 in force at 17.5.2022 for specified purposes by S.S.I. 2022/94, **reg. 2(2)(a)(3)** (with regs. 1(2), 3(1))

**Changes to legislation:**

There are currently no known outstanding effects for the Management of Offenders (Scotland) Act 2019, Section 1.