



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.