



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

## PART 1

### ELECTRONIC MONITORING ETC.

#### *Obligations and compliance*

#### **13 Deemed breach of disposal or conditions**

- (1) In the operation of a disposal mentioned in section 3(2)—
  - (a) an additional requirement made under section 1(1) is to be regarded as if part of the disposal,
  - (b) the disposal is therefore to be taken as breached with respect to the requirement if the person subject to it contravenes section 12(2) or (3).
- (2) Any provisions of an enactment as to breach of the disposal are engaged by virtue of subsection (1) accordingly (so far as relevant in the case).
- (3) No offence constituted by reason of breaching the disposal (where there is such an offence) can be committed by virtue of subsection (1).
- (4) In the operation of any conditions mentioned in section 7(1)—
  - (a) an additional requirement made under section 5(1) is to be regarded as if part of the conditions,
  - (b) the conditions are therefore to be taken as breached with respect to the requirement if the person subject to it contravenes section 12(2) or (3).
- (5) Any provisions of an enactment—
  - (a) as to breach of the conditions or the licence in which they are contained, or
  - (b) as to recall to a prison or another place in consequence of breach of the conditions or the licence in which they are contained,are engaged by virtue of subsection (4) accordingly (so far as relevant in the case).

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*Status: This is the original version (as it was originally enacted).*

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- (6) In subsections (2) and (5), the references to provisions relating to breach of something include provisions relating to variation or revocation of it in consequence of breach of it.