

**2006 No. 315**

**CRIMINAL LAW**

**The Home Detention Curfew Licence (Prescribed Standard  
Conditions) (Scotland) Order 2006**

<i>Made</i> - - - -	<i>8th June 2006</i>
<i>Laid before Parliament</i>	<i>8th June 2006</i>
<i>Coming into force</i> - -	<i>3rd July 2006</i>

The Scottish Ministers, in exercise of the powers conferred by section 12AA(3) and (5) of the Prisoners and Criminal Proceedings (Scotland) Act 1993(a) and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Home Detention Curfew Licence (Prescribed Standard Conditions) (Scotland) Order 2006 and shall come into force on 3rd July 2006.

**Interpretation**

2. In this Order “the 1993 Act” means the Prisoners and Criminal Proceedings (Scotland) Act 1993.

**Prescribed standard conditions for certain short term prisoners**

3. For the purposes of section 12AA(3) of the 1993 Act, the conditions specified in the Schedule to this Order are prescribed as standard conditions which must be included in any licence granted in respect of a prisoner specified in section 3AA(1)(a) of the 1993 Act(b).

*HUGH HENRY*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
8th June 2006

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(a) 1993 c.9.

(b) Section 3AA was inserted by section 15(5) of the Management of Offenders etc. (Scotland) Act 2005 (asp 14) and section 12AA was inserted by section 15(10) of that Act.

## SCHEDULE

Article 3

### *Prescribed standard conditions*

1. The offender must be of good behaviour and keep the peace;
2. The offender must not commit any offence;
3. The offender must not tamper with or intentionally damage the electronic monitoring equipment or device(s) used to monitor compliance with curfew conditions complying with section 12AB of the Prisoners and Criminal Proceedings (Scotland) Act 1993, or knowingly allow such equipment or devices to be tampered with or intentionally damaged;
4. The offender must allow a representative or employee of [name of electronic monitoring service provider] access to the address specified in this licence for the purposes of section 12AB(1)(a) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 to install and check the electronic monitoring equipment or devices(s).

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order prescribes standard conditions for the purposes of section 12AA of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9) (“the 1993 Act”). The conditions prescribed are to be included in any licence granted under section 3AA(1)(a) of the 1993 Act. Section 3AA(1)(a) allows short term prisoners serving a sentence of three months or more to be released on licence by Scottish Ministers before the date on which the prisoner would have served half of the prisoner’s sentence.

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**£3.00**

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