

## **POLICY NOTE**

### **THE RESTRICTION OF LIBERTY ORDER ETC. (SCOTLAND) REGULATIONS 2013**

#### **SSI 2013/6**

The above instrument was made by Scottish Ministers in exercise of the powers conferred by sections 227ZJ(1), 245A(8) and 245C(3) of the Criminal Procedure (Scotland) Act 1995, section 70(13) and (14) of the Children (Scotland) Act 1995, and all other powers enabling them to do so. The instrument is subject to negative procedure.

#### **Policy Objective**

This is a technical instrument, required as a consequence of a change in electronic monitoring service provider. The instrument updates the list of specified devices that can be used for the purpose of remote monitoring. This instrument specifies a list of all the equipment that can be used for all of the remote monitoring regimes in Scotland. As there is no change in methods of use of the equipment proposed within this SSI and this is essentially just swapping one manufacturer's equipment for another, it is a technical SSI and as such there is no need for consultation.

The instrument lists the specification of devices that may be used for the purpose of monitoring the compliance of an offender subject to a remote monitoring requirement imposed by courts, a requirement imposed in a curfew condition<sup>1</sup> as described at section 12AB(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993, or for the purpose of monitoring compliance of a young person with the requirement of a movement restriction condition. We have taken this opportunity to consolidate into one SSI, details of the equipment that can be used for monitoring a movement restriction condition, rather than having those subject to a separate SSI.

The instrument is also designed to set out the courts which may impose a remote monitoring requirement, and the methods of monitoring compliance. There are however no changes from the current legislative position proposed here for these monitoring and methods aspects of the SSI.

#### **Impact Assessments and Financial Effects**

This is a technical instrument and as such has no significant financial, equality or privacy effects on the Scottish Government, local authorities or on business.

Scottish Government Community Justice Division, 2013

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<sup>1</sup> An offender subject to a curfew condition is described at section 3AA(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993.