
Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Paragraph 12. (See end of Document for details)

SCHEDULES

SCHEDULE 17

YOUTH REHABILITATION ORDERS

PART 2

ELECTRONIC WHEREABOUTS MONITORING REQUIREMENTS

Sentencing Code

- 12 (1) Part 17 of Schedule 6 (electronic monitoring) is amended as follows.
- (2) In the Part heading, omit “requirement”.
- (3) For the italic heading before paragraph 41 substitute “Electronic compliance monitoring requirement”.
- (4) In paragraph 41, for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (5) In the italic heading before paragraph 42, at the end insert “: electronic compliance monitoring requirement”.
- (6) In paragraph 42(1), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (7) In the italic heading before paragraph 43, at the end insert “: electronic compliance monitoring requirement”.
- (8) In paragraph 43(1), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (9) In the italic heading before paragraph 43A (inserted by Part 1 of this Schedule), for “Electronic monitoring” substitute “Electronic compliance monitoring requirement”.
- (10) In paragraph 43A(1), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (11) For the italic heading before paragraph 44 substitute “Restrictions on imposing electronic compliance monitoring requirement”.
- (12) In paragraph 44—
- (a) in sub-paragraph (1)(a), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”, and
- (b) in sub-paragraph (2), in the opening words, for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (13) After paragraph 44 insert—

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“Electronic whereabouts monitoring requirement

- 45 In this Code “electronic whereabouts monitoring requirement”, in relation to a youth rehabilitation order, means a requirement to submit to electronic monitoring of the offender’s whereabouts (otherwise than for the purpose of monitoring the offender’s compliance with any other requirement included in the order) during a period specified in the order.

Person responsible for electronic monitoring: electronic whereabouts monitoring order

- 46 (1) A youth rehabilitation order which imposes an electronic whereabouts monitoring requirement must include provision for making a person responsible for the monitoring.
- (2) The person who is made responsible for the monitoring must be of a description specified in regulations made by the Secretary of State.

Electronic whereabouts monitoring requirement: general

- 47 Where a youth rehabilitation order imposes an electronic whereabouts monitoring requirement, the offender must (in particular)—
- (a) submit, as required from time to time by the responsible officer or the person responsible for the monitoring, to—
 - (i) being fitted with, or installation of, any necessary apparatus, and
 - (ii) inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
 - (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and
 - (c) take any steps required by the responsible officer, or the person responsible for the monitoring, for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.

Restrictions on imposing electronic whereabouts monitoring requirement

- 48 (1) Where—
- (a) it is proposed to include an electronic whereabouts monitoring requirement in a youth rehabilitation order, but
 - (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,
- the requirement may not be included in the order without that person’s consent.
- (2) A court may not include an electronic whereabouts monitoring requirement in a youth rehabilitation order in respect of an offender unless—
- (a) the court has been notified by the Secretary of State that electronic monitoring arrangements are available in the local

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- justice area proposed to be specified in the order (and the notice has not been withdrawn),
- (b) the court is satisfied that—
- (i) the offender can be fitted with any necessary apparatus under the arrangements currently available, and
 - (ii) any other necessary provision can be made under those arrangements, and
- (c) the court is satisfied that arrangements are generally operational throughout England and Wales (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.”

Commencement Information

- I1** Sch. 17 para. 12 in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)
- I2** [Sch. 17 para. 12](#) in force (temp.) at 3.7.2023 until 3.1.2025 in relation to specified areas by [The Police, Crime, Sentencing and Courts Act 2022 \(Youth Rehabilitation Order With Intensive Supervision and Surveillance\) Piloting Regulations 2023 \(S.I. 2023/705\)](#), regs. 2, 3, 4(1), [Sch.](#) (with reg. 4(2))

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