

SCHEDULES

SCHEDULE 17

YOUTH REHABILITATION ORDERS

PART 2

ELECTRONIC WHEREABOUTS MONITORING REQUIREMENTS

Criminal Justice and Immigration Act 2008 (c. 4)

- 2 (1) Section 39 of the Criminal Justice and Immigration Act 2008 (youth default orders) is amended as follows.
- (2) In subsection (4)(a), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (3) In subsection (6)—
- (a) in paragraph (a), after “198(3) to (5),” insert “198A,”
 - (b) in paragraph (b), for “, 7 and 17” substitute “and 7”, and
 - (c) after that paragraph insert—
 - “(ba) Part 17 of that Schedule (electronic monitoring requirements), so far as it applies to electronic compliance monitoring requirements,”.

Sentencing Code

- 3 The Sentencing Code is amended as follows.
- 4 (1) Section 174 (youth rehabilitation requirements table) is amended as follows.
- (2) The existing text becomes subsection (1).
- (3) In that subsection, in the table—
- (a) in the entry relating to electronic monitoring requirements, for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”, and
 - (b) after that entry insert—

“electronic requirement	whereabouts	monitoring	Part 17	section 185(5)”.
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- (4) After that subsection insert—
- “(2) See section 198A for provision about an electronic monitoring requirement imposed by a youth rehabilitation order made in respect of an offence of which the offender was convicted before the day on which paragraph 4 of

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Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).”

5 In section 175(1)(c) (meaning of youth rehabilitation order with intensive supervision and surveillance), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.

6 (1) Section 185 (youth rehabilitation order: availability of particular requirements) is amended as follows.

(2) In the italic heading before subsection (4), for “requirement” substitute “requirements”.

(3) In subsection (4), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.

(4) After subsection (4) insert—

“(5) An electronic whereabouts monitoring requirement is not available for a youth rehabilitation order in respect of an offence unless the offender was convicted of the offence on or after the day on which paragraph 6 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).”

7 In section 190 (provision of copies of youth rehabilitation order and related documents), in the table in subsection (3)—

(a) in the entry relating to an electronic monitoring requirement, in the first column, for “An electronic monitoring requirement” substitute “An electronic compliance monitoring requirement”, and

(b) after that entry insert—

“An electronic whereabouts monitoring requirement	Any person who by virtue of paragraph 46 of Schedule 6 will be responsible for the electronic monitoring
	Any person without whose consent the requirement could not be included in the order.”

8 After section 198 insert—

“198A Electronic monitoring requirement previously imposed

(1) This section applies where an electronic monitoring requirement was imposed by a youth rehabilitation order in respect of an offence of which the offender was convicted before the day on which paragraph 4 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).

(2) In this section “electronic monitoring requirement” has the meaning given by paragraph 41 of Schedule 6 as it had effect before the day mentioned in subsection (1).

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- (3) The electronic monitoring requirement is not affected by the renaming of electronic monitoring requirements as electronic compliance monitoring requirements by that Act.
- (4) This Chapter applies in relation to the youth rehabilitation order as if any reference to an electronic compliance monitoring requirement were to an electronic monitoring requirement.”
- 9 In section 395 (data from electronic monitoring: code of practice), after “electronic monitoring of offenders under” insert “—
- (a) electronic compliance monitoring requirements and electronic whereabouts monitoring requirements imposed by youth rehabilitation orders, and
- (b)”.
- 10 In paragraph 19(3) of Schedule 6 (requirements where court imposes curfew requirement), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- 11 In paragraph 21 of Schedule 6 (requirements where court imposes exclusion requirement), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- 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

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- (b) in sub-paragraph (2), in the opening words, for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.

(13) After paragraph 44 insert—

“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 requirement

- 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.

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- (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 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.”
- 13 (1) Schedule 7 (breach, revocation or amendment of youth rehabilitation order) is amended as follows.
- (2) In paragraph 1(2)(b) (interpretation), for “electronic monitoring requirement” substitute “electronic compliance monitoring requirement”.
- (3) In paragraph 27(6) (persons to whom copy of order amending or revoking youth rehabilitation order must be given)—
- (a) in the entry relating to an electronic monitoring requirement, in the first column, for “An electronic monitoring requirement” substitute “An electronic compliance monitoring requirement”, and
 - (b) after that entry insert—
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|---|--|
| “An electronic whereabouts monitoring requirement | Any person who by virtue of paragraph 46 of Schedule 6 will be responsible for the electronic monitoring |
| | Any person without whose consent the requirement could not be included in the order.” |
- 14 (1) Schedule 8 (transfer of youth rehabilitation orders to Northern Ireland) is amended as follows.
- (2) In paragraph 5(2) (meaning of “locally based requirement”)—
- (a) in paragraph (i), for “an electronic monitoring requirement” substitute “an electronic compliance monitoring requirement”, and
 - (b) after that paragraph insert—
 - “(j) an electronic whereabouts monitoring requirement.”
- (3) In paragraph 7 (further provisions where offender resides or will reside in Northern Ireland), in sub-paragraph (c)—
- (a) in paragraph (vi), for “electronic monitoring” substitute “electronic compliance monitoring”;
 - (b) at the end insert—

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“(vii) paragraph 48(2) (availability of requirements for electronic whereabouts monitoring;”.

(4) In paragraph 11(4) (persons to whom copy of youth rehabilitation order or amending order must be given)—

- (a) in the entry relating to an electronic monitoring requirement, in the first column, for “An electronic monitoring requirement” substitute “An electronic compliance monitoring requirement”, and
- (b) after that entry insert—

“An electronic whereabouts monitoring requirement	<p>Any person who by virtue of paragraph 46 of Schedule 6 will be responsible for the electronic monitoring</p> <p>Any person without whose consent the requirement could not be included in the order.”</p>
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