

2014 No. 1787

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice Act 2003 (Alcohol Abstinence and
Monitoring Requirement) (Prescription of Arrangement for
Monitoring) Order 2014**

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|-------------------------------|---------|-----------------------|
| <i>Made</i> | - - - - | <i>7th July 2014</i> |
| <i>Laid before Parliament</i> | | <i>8th July 2014</i> |
| <i>Coming into force</i> | - - | <i>31st July 2014</i> |

The Secretary of State makes the following Order in exercise of the powers conferred by sections 212A(6) and (7) and 330(3)(b) of the Criminal Justice Act 2003(a).

Citation and commencement

1. This Order may be cited as the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2014 and comes into force on 31st July 2014.

Prescription for the purpose of section 212A(6) of the Criminal Justice Act 2003

2.—(1) This article applies for the purposes of section 212A in so far as it is in force by virtue of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Alcohol Abstinence and Monitoring Requirements) Piloting Order 2014(b).

(2) The arrangement for monitoring prescribed by the Secretary of State for the purpose of section 212A(6) of the Criminal Justice Act 2003 is monitoring by a transdermal electronic tag.

Signed by the authority of the Secretary of State

7th July 2014

Jeremy Wright
Parliamentary Under Secretary of State
Ministry of Justice

(a) 2003 c.44. Section 212A is inserted into the Criminal Justice Act 2003 by section 76 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10). Section 76 of the 2012 Act has been brought into force only in the South London local justice area.

(b) S.I. 2014/1777.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 76 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 inserts section 212A in the Criminal Justice Act 2003 (c. 44). This provides that an alcohol abstinence and monitoring requirement can be imposed as part of a requirement of a community order or suspended sentence order. However, section 76 cannot be brought into force for the whole of England and Wales unless it has first been piloted. Section 76 is therefore being brought into force for the purposes of a pilot in the South London local justice area for a period of 12 months by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Alcohol Abstinence and Monitoring Requirements) Piloting Order 2014 (S.I. 2014/1777).

This Order prescribes that the monitoring of compliance with the obligations of an alcohol abstinence monitoring requirement that has been imposed as part of the pilot scheme provided for by that Order will be through a transdermal electronic tag. This is a tag fitted to an offender to measure the level of alcohol contained in their sweat.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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