
STATUTORY INSTRUMENTS

2014 No. 3141

The Criminal Justice and Data Protection
(Protocol No. 36) Regulations 2014

PART 7

European Supervision Order

CHAPTER 2

European supervision orders: England and Wales

Recognition of supervision measures: requests to other member States

Duties where measures being monitored by executing State

81.—(1) This regulation applies in relation to any time when a court which has made a decision on supervision measures—

- (a) has ceased under regulation 79 to be responsible for monitoring the supervision measures, and
- (b) has not yet become responsible under regulation 83 for monitoring them again.

(2) The court must immediately inform the competent authority of the executing State if—

- (a) legal proceedings are brought in relation to the decision on supervision measures, or
- (b) the court takes a subsequent decision in relation to the decision on supervision measures, as mentioned in regulation 79(2) (a “supervening decision”).

(3) The court must consider whether to take a supervening decision if the competent authority of the executing State notifies the court, using the form set out in Annex II to the Framework Decision, of—

- (a) a breach of the supervision measures, or
- (b) any other finding which could result in the court taking a supervening decision.

(4) Where the decision on supervision measures provides for the measures to have effect for a specified period, the court must, before the expiry of that period, inform the competent authority of the executing State—

- (a) as to whether the court expects the monitoring of the supervision measures to be necessary for a further period, and
- (b) if so, of the expected length of that period.

(5) The court must inform the competent authority under paragraph (4)—

- (a) following a request from that authority, or
- (b) if no such request is made, on the initiative of the court.

(6) If the competent authority of the executing State requests information from the court as to whether monitoring of the supervision measures is still necessary in the circumstances of the case, the court must respond without delay.

(7) If—

- (a) the law of the executing State requires periodic confirmation of the need to prolong the monitoring of the supervision measures, and
- (b) the competent authority of the executing State requests that confirmation from the court and sets a reasonable time limit for the request to be complied with,

the court must respond within that time limit.