
STATUTORY INSTRUMENTS

2021 No. 330

**The Compulsory Electronic Monitoring
Licence Condition Order 2021**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Compulsory Electronic Monitoring Licence Condition Order 2021 and comes into force on 12th April 2021.

(2) In this Order—

“the 2003 Act” means the Criminal Justice Act 2003(1);

“qualifying offender” means a person described in Article 2;

“specified area” means a police area(2) specified in Schedule 1;

“specified period” means the period described in Article 4.

Qualifying offender

2. This Order applies to a person who—

(a) is a fixed-term prisoner, within the meaning of section 237(1) of the 2003 Act (meaning of fixed-term prisoner)(3), released on licence on or after the commencement of this Order;

(b) is serving a sentence of imprisonment—

(i) for a determinate term of 12 months or more subject to release on licence under section 244 of the 2003 Act (duty to release prisoners)(4);

(ii) in respect of an offence specified in Schedule 2; and

(iii) in the case of a person serving two or more sentences of imprisonment, that sentence is the longest term;

(c) from any release, will be on licence for a period of 30 days or more;

(d) is required to reside on licence at an address within a specified area;

(e) has not previously had an electronic monitoring condition included in any licence in respect of the same sentence in accordance with this Order for the specified period; and

(f) to the satisfaction of the Secretary of State, is not otherwise unsuitable for electronic monitoring.

(1) 2003 c. 44.

(2) The term “police area” has the meaning ascribed to it in section 101(1) of the Police Act 1996 (c. 16) by virtue of Schedule 1 to the Interpretation Act 1978 (c. 30). The police areas are listed in Schedule 1 to the Police Act 1996.

(3) Section 237(1) has been amended by paragraph 219 of Schedule 16 to the Armed Forces Act 2006 (c. 52), section 117(2) of, and paragraph 2 of Schedule 20, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), section 2(3) of the Offender Rehabilitation Act 2014 (c. 11), paragraph 15(2) of Schedule 1 to the Criminal Justice and Courts Act 2015 (c. 2) and paragraph 218(1) and (2) of Schedule 24 to the Sentencing Act 2020 (c. 17).

(4) Section 244 has been amended by sections 114(2) and 125(2) of, and paragraph 21 of Schedule 10, paragraph 6 of Schedule 14 and paragraph 2 of Schedule 17 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), section 9(2) of, and paragraph 18 of Schedule 3 to, the Offender Rehabilitation Act 2014 (c. 11), paragraph 5 of Schedule 1 to the Criminal Justice and Courts Act 2015 (c. 2) and section 2(3) of the Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3); and modified by S.I. 2020/158.

Compulsory electronic monitoring condition

3. An electronic monitoring condition must be included in the licence of a qualifying offender for the specified period.

Specified period

4. The specified period—
- (a) commences on the date a qualifying offender is first released on licence pursuant to—
 - (i) section 244 of the 2003 Act;
 - (ii) section 246 of the 2003 Act (power to release prisoners on licence before required to do so)(5); or
 - (iii) sections 255B, 255C or 256A of the 2003 Act (further release after recall)(6); and
 - (b) continues to the earlier of—
 - (i) any of the conditions described in Article 2 not being met;
 - (ii) the end of sentence; or
 - (iii) 12 months from the date of first release referred to in paragraph (a), excluding any period where the qualifying offender is no longer released on licence.

15th March 2021

Kit Malthouse
Minister of State
Ministry of Justice

(5) Section 246 has been amended by paragraph 221 of Schedule 16 to the Armed Forces Act 2006 (c. 52), section 24 of the Criminal Justice and Immigration Act 2008 (c. 4), sections 110(9) and 112 of, and paragraph 23 of Schedule 10, paragraph 7 of Schedule 14, and paragraph 5 of Schedule 20 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), section 15(4) of, and paragraph 7 of Schedule 1 to, the Criminal Justice and Courts Act 2015 (c. 2), section 2(5) of the Terrorist Offenders (Restriction of Early Release) Act 2020 (c. 3) and paragraph 224 of Schedule 24 to the Sentencing Act 2020 (c. 17).

(6) Sections 255B and 255C were substituted by section 114(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). Section 255B has been subsequently amended by section 9(5) of the Offender Rehabilitation Act 2014 (c. 11). Section 256A was inserted by section 30(6) of the Criminal Justice and Immigration Act 2008 (c. 4) and amended by section 116(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.