STATUTORY INSTRUMENTS

2021 No. 999

CRIMINAL LAW, ENGLAND AND WALES

The Compulsory Electronic Monitoring Licence Condition (Amendment) Order 2021

Made - - - -	*6th September 2021*
Laid before Parliament	*8th September 2021*
Coming into force - -	*29th September 2021*

The Secretary of State, in exercise of the powers conferred by sections 62A(1), (2) and (3) and 76(3) of the Criminal Justice and Court Services Act 2000(**a**), makes the following Order:

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Compulsory Electronic Monitoring Licence Condition (Amendment) Order 2021 and comes into force on 29th September 2021.

(2) This Order extends to England and Wales.

(3) This Order applies to—

(a) any person released on licence before this Order comes into force only insofar as during the period before this Order comes into force such person was required to reside on licence within a specified area listed in paragraphs 1 to 6 of Schedule 1 to the Compulsory Electronic Monitoring Licence Condition Order 2021(**b**);

(b) any person released on licence on or after this Order comes into force.

Amendments to the Compulsory Electronic Monitoring Licence Condition Order 2021

2.—(1) The Compulsory Electronic Monitoring Licence Condition Order 2021 is amended as follows.

(2) In article 2 (qualifying offender)—

(a) in paragraph (b)(iii), after "longest" insert "or equal longest";

(b) in paragraph (d), omit "at an address".

(3) In Schedule 1 (specified areas) after "6. West Midlands" insert—

"**7.** Bedfordshire

8. City of London police area

9. Cumbria

10. Derbyshire

(**a**) 2000 c. 43. Section 62A was inserted by section 7(3) of the Criminal Justice and Courts Act 2015 (c. 2).
(**b**) S.I. 2021/330.

11. Durham

12. Essex

13. Hampshire

14. Hertfordshire

15. Kent

16. Metropolitan police district

17. North Wales

18. Nottinghamshire

19. Sussex".

Kit Malthouse
Minister of State
Ministry of Justice

6th September 2021

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Compulsory Electronic Monitoring Licence Condition Order 2021 (S.I. 2021/330) ("the Earlier Order"). The Earlier Order requires an electronic monitoring condition to be included in the licence of persons described in that Order pursuant to section 62A of the Criminal Justice and Court Services Act 2000 (c. 43). The criteria include where a person is serving multiple sentences, whether the sentence which otherwise meets the criteria specified in that Order is the longest term; and whether the person is required to reside on licence at an address within a specified area, limited to those police areas listed in Schedule 1 to the Earlier Order. A person who meets each of the criteria is considered a qualifying offender.

Article 1 of this Order sets out the commencement, extent and application provisions. This Order applies to any person released on licence before this Order comes into force provided that during the period before this Order comes into force they were required to reside on licence at one of the six specified areas included in the Earlier Order. If satisfied, the changes to the Earlier Order made by this Order will therefore apply to that person after it comes into force. In particular that will mean the criteria include a requirement to reside on licence, after the Order comes into force, at any of the specified areas: the six listed in the Earlier Order together with the 13 added by this Order. This Order also applies to any person released on licence on or after this Order comes into force. If such person meets the criteria specified in the Earlier Order, as amended by this Order, the specified period for which an electronic monitoring condition will be included on that person's licence in accordance with articles 3 and 4 of the Earlier Order will commence on the date of their first release on or after the date this Order comes into force.

Article 2 of this Order amends certain criteria set out in the Earlier Order which determine whether a person is a qualifying offender. Paragraph (2)(a) clarifies the criteria is a requirement for the person to reside on licence within a specified area, and not at *an address* within a specified area. Paragraph (2)(b) clarifies that for a person serving multiple sentences, the person will be a qualifying offender where a sentence meets the other criteria and is a term equal in length to one or more of their other sentences, and the terms of those sentences are longer than any others. Paragraph (3) adds an additional 13 police areas into those considered to be a specified area.

The full impact assessment of the effect of the Earlier Order on the costs of business, the voluntary sector and the public and is available from www.legislation.gov.uk.

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£4.90

http://www.legislation.gov.uk/id/uksi/2021/999

ISBN 978-0-34-822713-0

