STATUTORY INSTRUMENTS

2016 No. 327

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2016

Made - - - -	*7th March 2016*
Laid before Parliament	*11th March 2016*
Coming into force - -	*1st April 2016*

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 2016 and comes into force on 1st April 2016.

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 of the Criminal Justice Act 2003 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 2016(**b**).

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

Dominic Raab
Parliamentary Under Secretary of State
Ministry of Justice

7th March 2016

(**a**) 2003 c. 44. Section 212A is inserted 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 for the purposes of a pilot in relation to nine local justice areas as specified in S.I. 2016/286.
(**b**) S.I. 2016/286.

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 been piloted. Section 76 was originally brought into force for the purposes of a pilot in the South London local justice area on 31st July 2014 until 31st March 2016. The pilot is now extended to nine local justice areas in London and section 76 is therefore being brought into force for a period of 12 months beginning on 1st April 2016 by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Alcohol Abstinence and Monitoring Requirements) Piloting Order 2016 (S.I. 2016/286) for this purpose.

This Order prescribes that the monitoring of compliance with the obligations of an alcohol abstinence monitoring requirement will be by means of a transdermal electronic tag. This is a tag fitted to an offender to measure the level of alcohol contained in their sweat.

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

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