Draft Regulations laid before the Scottish Parliament under section 15(2) of the Management of Offenders (Scotland) Act 2019 (asp 14), for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2026 No.

CRIMINAL LAW

The Electronic Monitoring (Use of Devices and Information) (Scotland) Amendment Regulations 2026

Made - - - -	*2026*
Coming into force - -	*19th December 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 9(1)(a) and 15(1) of the Management of Offenders (Scotland) Act 2019(**a**) and all other powers enabling them to do so.

In accordance with section 15(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Electronic Monitoring (Use of Devices and Information) (Scotland) Amendment Regulations 2026 and come into force on 19 December 2026.

Amendment of the Electronic Monitoring (Use of Devices and Information) (Scotland) Regulations 2025

2.—(1) The Electronic Monitoring (Use of Devices and Information) (Scotland) Regulations 2025(**b**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1), for "or (3)" substitute ", (3) or (4)".

(3) After regulation 2(3) insert—

"(4) The circumstances are—

(a) a sheriff in the Sheriffdom of Tayside, Central and Fife has required a person aged 18 or over to submit to monitoring by means of an approved device under section 1(1) of the 2019 Act, and

(b) the monitoring is in relation to that person's compliance with a specified aspect of a disposal of a sort mentioned in section 3(2)(g) or (h) of the 2019 Act(**c**).".

(**a**) 2019 asp 14.
(**b**) S.S.I. 2025/11.
(**c**) Section 3(2)(g) and (h) of the 2019 Act was inserted by S.S.I. 2020/309, regulation 2 and sub-paragraph (h) was amended by S.S.I. 2022/93, regulation 2(2) to (4).

(4) In regulation 4(b)(iv) for "section 27(1)" substitute "section 27(1)(b)".

Name
A member of the Scottish Government

St Andrew's House
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Management of Offenders (Scotland) Act 2019 ("the 2019 Act") makes provision allowing the courts when making certain disposals to require a person to submit to electronic monitoring of their compliance with a condition of their disposal. The Scottish Ministers can do the same for an individual being released from custody on licence. Section 8 of the 2019 Act gives the Scottish Ministers the power by regulations to prescribe "approved devices" which can be used for electronic monitoring. The types of electronic devices which are approved devices are prescribed in the Electronic Monitoring (Approved Devices) (Scotland) Regulations 2020. Section 9 of the 2019 Act gives the Scottish Ministers the power to make provision about how approved devices may be used and how information obtained through that use may be used. The Electronic Monitoring (Use of Devices and Information) (Scotland) Regulations 2025 ("the 2025 Regulations") do that.

These Regulations amend the 2025 Regulations to add a new set of circumstances in which a GPS enabled approved device may be used to monitor a person's compliance with a condition or requirement imposed on them by a court.

Regulation 2 limits the use of GPS enabled approved devices in respect of court disposals to sheriffs, summary sheriffs and the sheriff principal of the Sheriffdom of Tayside, Central and Fife. Paragraph (4)(a) to be inserted into regulation 2 of the 2025 Regulations by regulation 2(3) of these Regulations only refers to "sheriff" but this word is to be read in accordance with sections 134 and 136 of the Courts Reform (Scotland) Act 2014 so as to include the summary sheriffs and sheriff principal of the Sheriffdom. The devices may only be used when the sheriffs, summary sheriffs or the sheriff principal of that Sheriffdom require a person aged 18 or over to submit to monitoring in relation to their compliance with a condition imposed on them when they are, or have been, granted bail.

Regulation 2(4) amends regulation 4(b) of the 2025 Regulations. This slightly widens the purposes for which the Scottish Ministers, or a person acting on their behalf, may share information obtained through monitoring a person by means of an approved device. Currently sub-paragraph (iv) allows the Scottish Ministers, or a person acting on their behalf, to share the information for the purposes of the provision by a local authority of supervision, advice and guidance in relation to the monitored person. This amendment will widen that purpose to allow information to shared for the purposes of local authorities making reports in respect of the monitored person available to a court, a procurator fiscal or the Lord Advocate (in her role as head of the system of prosecutions in Scotland and in practice through the Crown Office and Procurator Fiscal Service) in addition to the provision of supervision, advice and guidance services.

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