SCOTTISH STATUTORY INSTRUMENTS

2024 No. 354

CRIMINAL LAW

The Electronic Monitoring (Approved Devices) (Scotland) Amendment Regulations 2024

Made - - - -	*20th November 2024*
Laid before the Scottish Parliament	*22nd November 2024*
Coming into force - -	*31st January 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 8(1) and 15(1) of the Management of Offenders (Scotland) Act 2019(**a**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Electronic Monitoring (Approved Devices) (Scotland) Amendment Regulations 2024 and come into force on 31 January 2025.

Amendment of the Electronic Monitoring (Approved Devices) (Scotland) Regulations 2020

2. The Electronic Monitoring (Approved Devices) (Scotland) Regulations 2020(**b**) are amended in accordance with regulations 3 and 4.

Amendment of regulation 1 (citation, commencement and interpretation)

3. In regulation 1(3)—

(a) in the definition of "fitting and installation tool"—

(i) in paragraph (b), after "fit a" insert "GPS personal identification device or an RF",

(ii) in paragraph (c) for "or a personal identification device", substitute ", a GPS personal identification device or an RF personal identification device",

(b) after the definition of "GPS" insert—

""GPS personal identification device" means an electronic device which—

(a) uses GPS or a secondary location tracking medium to track a monitored person's location,

(b) transmits information to a home monitoring unit via a short-range radio signal,

(c) transmits information to a remote server via a mobile phone network, and

(d) is intended to be securely fitted to a monitored person,",

(c) in the definition of "home monitoring unit" in paragraph (a)—

(**a**) 2019 asp 14.
(**b**) S.S.I. 2020/308.

(i) after “from a” insert “GPS personal identification device or an RF”,

(ii) after “range” insert “radio”,

(d) after the definition of “home monitoring unit” insert—

““mains charger” means a device used to charge a GPS personal identification device by mains electricity,”,

(e) after the definition of “monitored person” insert—

““portable charger” means a battery pack used to charge a GPS personal identification device without mains electricity,

“RF” means radio frequency,”,

(f) in the definition “personal identification device” before “personal” insert “RF”,

(g) after the definition of “RF personal identification device” (as amended by these regulations) insert—

“secondary location tracking medium” means a location tracking medium which uses a mobile phone network or a connection to a wireless fidelity (Wi-Fi) network.”.

Amendment of regulation 2 (Approved devices)

4.—(1) In regulation 2(1) omit “or 5(1)”.

(2) In regulation 2(2)(b) after “a” insert “RF”.

(3) After regulation 2(2) insert—

“(3) The types of electronic devices listed in paragraph (4) are prescribed by the Scottish Ministers as approved devices in relation to a requirement imposed under section 5(1) of the 2019 Act.

(4) The types of electronic device are—

(a) an RF personal identification device,

(b) a GPS personal identification device,

(c) a home monitoring unit,

(d) a fitting and installation tool,

(e) a mains charger, and

(f) a portable charger.”.

ANGELA CONSTANCE
A member of the Scottish Government

St Andrew’s House,
Edinburgh
20th November 2024

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 attached to 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 prescibe "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 ("the 2020 Regulations").

These Regulations amend the 2020 Regulations to prescribe GPS enabled electronic monitoring devices as approved devices in relation to a monitoring requirement imposed by the Scottish Ministers on an individual being released from custody on licence.

Regulation 3 amends regulation 1(3) of the 2020 Regulations to insert definitions relevant to GPS electronic monitoring devices and to amend the existing definition of "personal identification device" in consequence. Further amendments are made to the existing definitions in the 2020 Regulations of "home monitoring unit" and "fitting and installation tool" to reflect that they can be used with both GPS electronic monitoring devices and radio frequency ("RF") monitoring devices.

Regulation 4 amends regulation 2 of the 2020 Regulations to distinguish between approved devices available to the court to use in relation to a relevant disposal under sections 1 and 3 of the 2019 Act and approved devices available to the Scottish Ministers in relation to releasing a prisoner on a relevant licence condition under sections 5 and 7 of the 2019 Act. Only RF electonic monitoring devices will be available to the court in relation to a relevant disposal. Both RF and GPS electronic monitoring devices will be available to the Scottish Ministers in relation to releasing a prisoner on a relevant licence condition. This is subject to any limits on the use of the approved devices as provided in the Electronic Monitoring (Use of Devices and Information) (Scotland) Regulations 2025 ("the 2025 Regulations"). The 2025 Regulations limit GPS enabled approved devices for use only when releasing a prisoner on a home detention curfew licence under section 3AA of the Prisoners and Criminal Proceedings (Scotland) Act 1993.

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£5.78

http://www.legislation.gov.uk/id/ssi/2024/354

ISBN 978-0-11-106145-9

