EXPLANATORY MEMORANDUM TO

THE ELECTRONIC MONITORING REQUIREMENTS (RESPONSIBLE OFFICER) ORDER (NORTHERN IRELAND) 2009

SR. 2009 No. 83

1. This Explanatory Memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This instrument makes employees of G4S Security Services (UK) Limited responsible for the electronic monitoring of subjects who have an electronic monitoring requirement imposed under Article 35 or 36 of the Criminal Justice (Northern Ireland) Order 2008.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 This instrument is being made in exercise of the powers conferred by Article 40 (3) of the Criminal Justice (Northern Ireland) Order 2008.

5. Territorial Extent and Application

5.1 This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

7. Policy background

7.1 Electronic monitoring will assist in the monitoring and enforcement of curfews and is being introduced in Northern Ireland to increase public protection and support the management and rehabilitation of offenders. This instrument makes provision for a service provider to deliver an electronic monitoring service in Northern Ireland. This will include the installation of monitoring equipment and responding to any curfew violations.

8. Consultation outcome

8.1 The use of electronically monitored curfews was included within the public consultation on the draft Criminal Justice (NI) Order 2008 and there was broad support for the use of electronic monitoring. A summary of the responses is available on www.nio.gov.uk.

8.2 Consultees raised the need for logistical issues to be addressed in advance of implementation and a perceived inappropriate role for the private security industry in law and order matters. Detailed procedures have been developed for the implementation of electronic monitoring. G4S Security Services (UK) Limited is delivering electronic monitoring services in England and Wales and other countries and so is an appropriate service provider for Northern Ireland.

9. Guidance

9.1 A booklet explaining how the technology works will be issued to all subjects that receive an electronic monitoring requirement as a condition of their bail, community sentence or licence condition.

10. Impact

10.1 A Regulatory Impact Assessment was completed on the sentencing provisions of the Order as a whole. The Order will not create additional burdens for business charities or voluntary bodies.

10.2 Criminal justice agencies will have better information on whether subjects are adhering to curfews and be able to initiate enforcement action. This will allow the Police Service of Northern Ireland to respond more effectively to breaches of bail curfews. The Probation Board for Northern Ireland and Youth Justice Agency will respond to violations of curfews for subjects that have an electronic monitoring requirement as a condition of their licence or community sentence.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The operation and use of electronically monitored curfews will be reviewed on a regular basis as part of the contract management with G4S Security Services (UK).

13. Contact

13.1 David Lennox at the Northern Ireland Office Tel: 028 9052 7549 or email: david.lennox@nio.x.gsi.gov.uk can answer any queries regarding the instrument.