SCOTTISH STATUTORY INSTRUMENTS

2005 No.141

CRIMINAL LAW

The Remote Monitoring Requirements (Prescribed Courts) (Scotland) Regulations 2005

Made - - - -	*9th March 2005*
Coming into force - -	*18th April 2005*

The Scottish Ministers, in exercise of the powers conferred on them by sections 24B(1)(a) and (4) of the Criminal Procedure (Scotland) Act 1995(**a**), and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with section 24B(6) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Remote Monitoring Requirements (Prescribed Courts) (Scotland) Regulations 2005 and shall come into force on 18th April 2005.

(2) In these Regulations the following expressions shall have the meanings ascribed to them:

"the 1995 Act" means the Criminal Procedure (Scotland) Act 1995;

"High Court" has the same meaning as in section 307(1) of the 1995 Act.

Prescribed Courts

2.—(1) The courts, or description of courts, prescribed for the purposes of section 24A(1) of the 1995 Act (initial refusal of bail) are–

(a) the sheriff courts of Glasgow, Stirling and Kilmarnock; and

(b) the High Court when hearing an appeal against a refusal of bail under that section.

(2) The courts, or descriptions of courts, prescribed for the purposes of section 24A(2) of the 1995 Act (bail granted to a person charged with or convicted of murder or rape) are–

(a) the sheriff courts of Glasgow, Stirling and Kilmarnock;

(b) the High Court sitting at Glasgow;

(c) the High Court when granting bail following an application under section 112 of the 1995 Act (admission of appellant to bail).

Transitional arrangements

3. These Regulations shall only apply in cases where one of the following diets occurs on or after 18th April 2005–

(a) in summary proceedings, a first appearance on complaint;

(**a**) 1995 c.46; sections 24A to E were inserted by section 17 of the Criminal Procedure (Amendment) (Scotland) Act 2004 (asp 5).

(b) in solemn proceedings, a first appearance on petition, a first diet, or a preliminary hearing; or

(c) on appeal following conviction, an application being made to the court for bail pending the determination of an appeal against sentence or conviction and sentence.

HUGH HENRY
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
9th March 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the courts which may impose a 'remote monitoring requirement' as a condition of bail.

Regulation 2(1) prescribes that Glasgow, Stirling and Kilmarnock sheriff courts may impose such requirements under section 24A(1) of the Criminal Procedure (Scotland) Act 1995 ("the 1995 Act"). This section provides that a person who has been refused bail may apply to the court for it to consider admitting him or her to bail subject to a movement restriction condition and a remote monitoring requirement. This regulation also prescribes the High Court when hearing an appeal against a refusal of bail under this section.

Regulation 2(2) prescribes certain courts which may impose remote monitoring requirements under section 24A(2) of the 1995 Act. This section allows a prescribed court to impose such a requirement, at its own hand, on a person charged with (or convicted of) murder or rape who is granted bail subject to a movement restriction condition. The prescribed courts are: Glasgow, Stirling and Kilmarnock sheriff courts, the High Court sitting at Glasgow, and the High Court (in practice, sitting at Edinburgh) when it has granted bail to an appellant following an application under section 112 of the 1995 Act.

Regulation 3 sets out transitional arrangements.

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