
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Management of Offenders etc. (Scotland) Act 2005 (“the Act”).

Section 3 of the Act provides for the establishment of community justice authorities by statutory instrument and makes provision as to the composition, status and functions of such authorities.

Section 5 places the chief officers of community justice authorities under a duty to report to Scottish Ministers on the performance and activities of those authorities.

Section 10 confers a duty on the responsible authorities to put in place, in each local authority area, arrangements for the assessment and management of the risks posed by offenders falling into the categories set out in section 10(1). Section 10(1)(a) deals with offenders subject to the notification requirements under Part 2 of the Sexual Offences Act 2003 and it is only in respect of that category of offender that the section is being commenced at present.

Section 11 requires the responsible authorities to monitor the effectiveness of the arrangements put in place under section 10, and to make any changes which they consider necessary or expedient.

Section 21 makes provision for the amendment or repeal of a number of statutory provisions. Section 21(6) amends the Prisons (Scotland) Act 1989 as it provides for the constitution of visiting committees; section 21(13) amends the Criminal Justice (Scotland) Act 2003 as it provides for the remote monitoring of children released from custody on licence.