



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 1

CRIMINAL JUSTICE

Release and recall of prisoners

7 Electronic monitoring following release on licence etc

- (1) Part 3 of the Criminal Justice and Court Services Act 2000 (dealing with offenders) is amended as follows.
- (2) In section 62 (release on licence etc: conditions as to monitoring)—
 - (a) for subsection (2) substitute—

“(2) The conditions may include electronic monitoring conditions.

(2A) An electronic monitoring condition imposed under this section must include provision for making a person responsible for the monitoring.

(2B) A person may not be made responsible for the monitoring unless the person is of a description specified in an order made by the Secretary of State.”, and
 - (b) after subsection (5) insert—

“(5A) In this section “electronic monitoring condition” means a condition requiring the person to submit to either or both of the following—

 - (a) electronic monitoring of the person's compliance with another condition of release, and
 - (b) electronic monitoring of the person's whereabouts (other than for the purpose of monitoring compliance with another condition of release).”
- (3) After section 62 insert—

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Section 7. (See end of Document for details)

“62A Release on licence etc: compulsory electronic monitoring conditions

- (1) The Secretary of State may by order provide that the power under section 62 to impose an electronic monitoring condition must be exercised.
- (2) An order under this section may—
 - (a) require an electronic monitoring condition to be included for so long as the person's release is required to be, or may be, subject to conditions or for a shorter period;
 - (b) make provision generally or in relation to a case described in the order.
- (3) An order under this section may, in particular—
 - (a) make provision in relation to cases in which compliance with a condition imposed on a person's release is monitored by a person specified or described in the order;
 - (b) make provision in relation to persons selected on the basis of criteria specified in the order or on a sampling basis;
 - (c) make provision by reference to whether a person specified in the order is satisfied of a matter.
- (4) An order under this section may not make provision about a case in which the sentence imposed on the person is—
 - (a) a detention and training order,
 - (b) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of offenders under 18 convicted of certain offences),
 - (c) a sentence of detention under section 209 of the Armed Forces Act 2006 (detention of offenders under 18 convicted of certain offences), or
 - (d) an order under section 211 of that Act.
- (5) In this section, “electronic monitoring condition” has the same meaning as in section 62.

62B Data from electronic monitoring: code of practice

- (1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of monitoring persons under electronic monitoring conditions imposed under section 62.
- (2) A failure to observe a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.”
- (4) Schedule 2 to this Act contains consequential provision.
- (5) The amendments made by this section and Schedule 2 apply in relation to a person who is released from prison on or after the day on which they come into force.

Commencement Information

II S. 7 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 7

Changes to legislation:

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