
Changes to legislation: Sentencing Act 2020, PART 14 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 9

COMMUNITY ORDERS AND SUSPENDED SENTENCE ORDERS: REQUIREMENTS

Modifications etc. (not altering text)

- C1** Sch. 9 applied (in part) (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 9 applied (in part) (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 9 applied (with modifications) by 2003 c. 44, s. 300(6), [Sch. 31](#) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 paras. 241\(5\)](#), **249** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 9 applied (in part) (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

PART 14

ELECTRONIC MONITORING

Electronic compliance monitoring requirement

- 29 (1) In this Code “electronic compliance monitoring requirement”, in relation to a relevant order, means a requirement for securing the electronic monitoring of the offender's compliance with other requirements imposed by the order during a period (“the monitoring period”)—
- (a) specified in the order, or
 - (b) determined by the responsible officer in accordance with the relevant order.
- (2) Sub-paragraph (3) applies where the responsible officer is to determine the monitoring period in accordance with the relevant order.
- (3) Before it begins, the responsible officer must notify the following people of when the monitoring period is to begin—
- (a) the offender,
 - (b) the person responsible for the monitoring, and
 - (c) any person falling within paragraph 33(b).
- (4) An electronic compliance monitoring requirement may not be imposed for securing the electronic monitoring of the offender's compliance with an alcohol abstinence and monitoring requirement.

Changes to legislation: Sentencing Act 2020, PART 14 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) But that does not prevent an order which imposes an alcohol abstinence and monitoring requirement from including an electronic compliance monitoring requirement for securing the electronic monitoring of the offender's compliance with any other requirement.

Modifications etc. (not altering text)

- C1** Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))
- C2** Sch. 9 para. 29(1) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 248(2)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

- I1** Sch. 9 para. 29 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Electronic whereabouts monitoring requirement

- 30 In this Code “electronic whereabouts monitoring requirement”, in relation to a relevant order, means a requirement to submit to electronic monitoring of the offender's whereabouts (otherwise than for the purpose of monitoring the offender's compliance with any other requirement included in the order) during a period specified in the order.

Modifications etc. (not altering text)

- C1** Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

- I2** Sch. 9 para. 30 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Electronic monitoring: person responsible for monitoring

- 31 (1) A relevant order which includes an electronic monitoring requirement must include provision for making a person responsible for the monitoring.
- (2) The person who is made responsible for the monitoring must be of a description specified in regulations made by the Secretary of State.

Modifications etc. (not altering text)

- C1** Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))
- C3** Sch. 9 paras. 31-33 applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 248(2)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Commencement Information

- I3** Sch. 9 para. 31 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Changes to legislation: Sentencing Act 2020, PART 14 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Electronic monitoring: general

- 32 Where a relevant order imposes an electronic monitoring requirement, the offender must (in particular)—
- (a) submit, as required from time to time by the responsible officer or the person responsible for the monitoring, to—
 - (i) being fitted with, or installation of, any necessary apparatus, and
 - (ii) inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
 - (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and
 - (c) take any steps required by the responsible officer, or the person responsible for the monitoring, for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.

Modifications etc. (not altering text)

- C1** Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C3** Sch. 9 paras. 31-33 applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 248\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- I4** Sch. 9 para. 32 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restriction on imposing electronic monitoring: general

- 33 Where—
- (a) it is proposed to include in a relevant order an electronic monitoring requirement, but
 - (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,
- the requirement may not be included in the order without that person's consent.

Modifications etc. (not altering text)

- C1** Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C3** Sch. 9 paras. 31-33 applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 248\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

Commencement Information

- I5** Sch. 9 para. 33 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restriction on imposing an electronic compliance monitoring requirement

- 34 (1) A court may not include an electronic compliance monitoring requirement in a relevant order in respect of an offender unless—

Changes to legislation: Sentencing Act 2020, PART 14 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) the court has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant area (see subparagraphs (2) to (4)) (and the notice has not been withdrawn), and
 - (b) the court is satisfied that the necessary provision can be made under those arrangements.
- (2) In the case of a relevant order containing—
- (a) a curfew requirement, or
 - (b) an exclusion requirement,
- the relevant area is the area in which the place proposed to be specified in the order is situated.
- For this purpose, “place”, in relation to an exclusion requirement, has the same meaning as in paragraph 11.
- (3) In the case of a relevant order containing an attendance centre requirement, the relevant area is an area in which there is an attendance centre which is available for persons of the offender's description and which the court is satisfied is reasonably accessible to the offender.
- (4) In the case of any other relevant order, the relevant area is the local justice area proposed to be specified in the order.

Modifications etc. (not altering text)

- C1** Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))
- C4** Sch. 9 para. 34(1)(2) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 248\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

Commencement Information

- I6** Sch. 9 para. 34 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restriction on imposing electronic whereabouts monitoring requirement

- 35 A court may not include an electronic whereabouts monitoring requirement in a relevant order in respect of an offender unless—
- (a) the court has been notified by the Secretary of State that electronic monitoring arrangements are available in the local justice area proposed to be specified in the order (and the notice has not been withdrawn),
 - (b) the court is satisfied that—
 - (i) the offender can be fitted with any necessary apparatus under the arrangements currently available, and
 - (ii) any other necessary provision can be made under those arrangements, and
 - (c) the court is satisfied that arrangements are generally operational throughout England and Wales (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.

Changes to legislation: Sentencing Act 2020, PART 14 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

.....

Modifications etc. (not altering text)

- C1** Sch. 9 paras. 23-35 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 19** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), **reg. 2**)

.....

Commencement Information

- I7** Sch. 9 para. 35 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Changes to legislation:

Sentencing Act 2020, PART 14 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)-(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)
- Sch. 19 para. 22A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 84](#)

- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)