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STATUTORY INSTRUMENTS

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**2018 No. 210**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2018**

*Made* - - - - 20th February 2018  
*Laid before Parliament* 22nd February 2018  
*Coming into force* - - 31st March 2018

The Secretary of State, in exercise of the powers conferred by section 212A(6) and (7) of the Criminal Justice Act 2003(1), makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2018 and comes into force on 31st March 2018.

**Revocations**

2. The following Orders are revoked—
- (a) the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2014(2);
  - (b) the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) (Amendment) Order 2015(3);
  - (c) the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) (Amendment) Order 2016(4);
  - (d) the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2016(5);

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(1) 2003 c. 44. Section 212A was inserted by section 76(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).  
(2) S.I. 2014/1787.  
(3) S.I. 2015/1482.  
(4) S.I. 2016/10.  
(5) S.I. 2016/327.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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- (e) the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) (Amendment) Order 2017(6);
- (f) the Criminal Justice Act 2003 (Alcohol Abstinence and Monitoring Requirement) (Prescription of Arrangement for Monitoring) Order 2017(7).

**Prescription of arrangement for monitoring**

3. The arrangement for monitoring prescribed by the Secretary of State for the purpose of section 212A(6) of the Criminal Justice Act 2003 is monitoring by a transdermal electronic tag.

20th February 2018

*Rory Stewart*  
Minister of State  
Ministry of Justice

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(6) [S.I. 2017/234](#).  
(7) [S.I. 2017/537](#).

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 76 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (the 2012 Act), inserts section 212A in the Criminal Justice Act 2003 (c. 44). This provides that an alcohol abstinence and monitoring requirement can be imposed as part of a requirement of a community order or a suspended sentence order.

Section 212A(6) sets out that arrangements for monitoring under such a requirement must be consistent with those prescribed by the Secretary of State by Order and an alcohol abstinence and monitoring requirement may not be imposed unless such an Order is in force. Article 3 of this Order prescribes, as required by that section, that the arrangement for monitoring is by means of a transdermal electronic tag. A transdermal electronic tag is a tag fitted to an offender to measure the level of alcohol contained in the offender's sweat.

Section 77 of the 2012 Act allows for piloting of section 212A and the Orders being revoked under Article 2 of this Order all prescribe a transdermal electronic tag as the arrangement for monitoring alcohol abstinence and monitoring requirements for each pilot. The Orders being revoked tied the arrangement to the piloting Orders made under section 77 of the 2012 Act for the duration and areas of each pilot. This required a further Order prescribing the monitoring arrangement to be laid for the extension of any existing pilot or for any new pilot. The only technology being piloted under section 77 is that of transdermal electronic tags. This Order specifies that arrangement for the purposes of section 212A and will apply for any pilot under section 77 and therefore negates the need for further negative Orders for the purposes of further piloting.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.