Draft Regulations laid before the Scottish Parliament under section 138(2) of the Sexual Offences Act 2003, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

CRIMINAL LAW

The Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025

Made - - - -	*2025*
Coming into force - -	*21st February 2026*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 83(5)(i) and 84(1) of the Sexual Offences Act 2003(**a**) and all other powers enabling them to do so.

In accordance with section 138(2)(**b**) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025 and come into force on 21 February 2026.

Amendment of the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Regulations 2007

2.—(1) The Sexual Offences Act 2003 (Notification Requirements) (Scotland) Regulations 2007(**c**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2 (interpretation)—

(a) after paragraph (f) insert—

"(fa)"full gender recognition certificate", "gender recognition certificate" and "interim gender recognition certificate" have the meanings given by section 25(1) of the Gender Recognition Act 2004(**d**);",

(b) at the end of paragraph (g), omit "and",

(**a**) 2003 c. 42. Section 83(5)(i) was inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10) ("the 2006 Act"), section 78(2). Section 84(1) was amended by the 2006 Act, section 78(5).

(**b**) Section 138(2) was relevantly amended by the 2006 Act, section 78(9) and has been modified by the Scotland Act 1998 (c. 46), section 118(2) and the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), schedule 3, paragraph 5. Section 142(6) of the Sexual Offences Act 2003 ("the 2003 Act") provides that for the purposes of the Scotland Act 1998, the 2003 Act is to be taken to be a pre-commencement enactment.

(**c**) S.S.I. 2007/246.

(**d**) 2004 c. 7. Section 25(1) was relevantly amended by the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), schedule 2, paragraph 2 and the Civil Partnership (Scotland) Act 2020 (asp 15), schedule 2, paragraph 5(18)(a).

(c) after paragraph (g) insert—

"(ga) "relevant date" has the same meaning as in section 82(6) of the 2003 Act; and".

(3) In regulation 3 (prescribed information to be notified under section 83(5)(i) of the 2003 Act), in the heading, after "prescribed" insert "financial".

(4) After regulation 3 insert—

"**Prescribed information to be notified under section 83(5)(i) of the 2003 Act- gender recognition**

3A.—(1) A relevant offender must notify the police if that offender—

(a) has made an application for a gender recognition certificate that has not been determined,

(b) has obtained a full gender recognition certificate that was issued on or after the relevant date.

(2) An application in respect of which an interim gender recognition certificate has been issued is to be treated as not having been determined.".

(5) In regulation 4 (prescribed events and information to be notified under section 84(1)(g) of the 2003 Act), in the heading—

(a) after "prescribed" insert "financial",

(b) for "section 84(1)(g)" substitute "section 84(1)".

(6) After regulation 4 insert—

"**Prescribed events and information to be notified under section 84(1) of the 2003 Act- gender recognition**

4A. Where a relevant offender—

(a) makes an application for a gender recognition certificate,

(b) obtains a full gender recognition certificate,

and that application or the issuing of the certificate has not previously been notified to the police in accordance with regulation 3A, the relevant offender must notify the police that such a certificate has been applied for or obtained.".

Name
A member of the Scottish Government

St Andrew's House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Regulations 2007 to add new notification requirements relating to gender recognition. Where an offender who is subject to the notification requirements in Part 2 of the Sexual Offences Act 2003 ("the 2003 Act") makes an initial notification to the police under section 83 of that Act, this will now be required to include, where applicable, the information that the offender has made an application for a gender recognition certificate which has not yet been determined or has obtained a full gender recognition certificate which was issued on or after the "relevant date". "Relevant date" has the same meaning as in section 82(6) of the 2003 Act (and is usually the date of conviction). Where an offender subject to the notification requirements in Part 2 of the 2003 Act makes an application for a gender recognition certificate or is issued with a full gender recognition certificate after making their initial notification to the police, the offender will be required to notify this as a change of circumstances under section 84 of the 2003 Act.

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