EXPLANATORY MEMORANDUM TO

THE POLICE, CRIME, SENTENCING AND COURTS ACT 2022 (CONSEQUENTIAL PROVISION) (NO. 2) REGULATIONS 2022

2022 No. 1061

1. Introduction

1.1 This explanatory memorandum has been prepared by The Home Office and is laid before Parliament by Act of His Majesty.

2. Purpose of the instrument

2.1 The Police, Crime, Sentencing and Courts Act 2022 ("the 2022 Act") included provisions to improve the management of sex offenders (sections 168-183). Section 168 of the 2022 Act removes the requirement in section 87 of the Sexual Offences Act 2003 for the Secretary of State to prescribe a list of police stations where a registered sex offender must notify and requires the chief officer of police for each police force area to publish a list of police stations in their area, where an offender may notify. The purpose of these regulations is to remove the reference in existing regulations to prescribed police stations.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. European Convention on Human Rights

5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

6.1 The 2022 Act included the provisions described in paragraphs 6.2 below.

Amendment of management of sex offender provisions.

6.2 Section 168 to the 2022 Act reforms the process for publishing the list of police stations where an offender may notify, requiring chief officers of police to publish a list of police stations in the local police area.

6.3 The purpose of this instrument is to make a consequential amendment to the Sexual Offences Act 2003 (Travel Notification Requirements) Regulations 2004 to reflect the change in procedure for specifying police stations where sex offenders may notify following the amendments made by section 168 to the 2022 Act.

7. Policy Background

What is being done and why?

7.1 The policy intent of Section 168 of the 2022 Act is to simplify the current process for registered sex offenders to provide notification at a relevant police station. This will enable the police to update the list of stations where an offender may notify more regularly; for example, in situations where a police station closes.

Explanations

What did any law do before the changes to be made by this instrument?

7.2 Previously, the 2003 Act provided a power for the Secretary of State to make regulations specifying the police stations at which an offender may notify the police of the relevant information.

Why is it being changed?

7.3 The 2022 Act empowers chief constables, to enable decisions to be made more quickly at a local level. The aim of this is to streamline the process and ensure it can be more responsive to changes where they occur. These regulations make a consequential amendment to existing secondary legislation to reflect the new procedure.

What will it now do?

7.4 The 2022 Act provisions will mean the Chief Constable will now update this list and publish it in a manner they see fit, and it will be kept under review and amended as necessary. This regulation makes a consequential amendment to the existing regulations to correct the reference to the police stations being prescribed by the Secretary of State.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act

9. Consolidation

9.1 Whilst this instrument does amend a pre-existing instrument, a consolidation was not completed due to the size and nature of the instrument.

10. Consultation outcome

10.1 No consultation took place as this is a small minor consequential amendment to an existing SI following changes made in primary legislation. A consultation was therefore deemed unnecessary.

11. Guidance

11.1 The Home Office guidance on Part 2 of the Sexual Offences Act 2003, which is available publicly, is being updated following the amendments made by the 2022 Act to the Sexual Offences Act 2003. This includes the change enable the chief officer of police for each police force area to specify police stations which the sex offender can attend to notify the prescribed details.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 The impact on the public sector is that the SI gives the chief officer of each police force area in England and Wales the power to set out a list of stations for the purpose of notifications directly, enabling them to respond more quickly to operational changes.

12.3 A full Impact Assessment has not been prepared for this instrument due to the low level of impact per business. The SI relates to the maintenance of existing regulatory standards. This is a minor consequential amendment and therefore no additional impact assessment; economic note or discussions are required.'

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The changes set out in this instrument has no impact on business activities. The review provision and approach to monitoring of this legislation is collaborative, involving the Home Office and Police.

14.2 The instrument does not include a statutory review clause as it's a minor technical amendment, therefore not warranted.

15. Contact

15.1 Raphael Kay at the Home Office [Telephone: 07867 196579 or email: Raphael.kay@homeoffice.gov.uk] can be contacted with any queries regarding the instrument.

15.2 Lynne Abrams, Deputy Director for Public Safety Group, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Safeguarding Minister can confirm that this Explanatory Memorandum meets the required standard.