POLICY NOTE

THE SEXUAL OFFENCES ACT 2003 (NOTIFICATION REQUIREMENTS) (SCOTLAND) AMENDMENT REGULATIONS 2025

SSI 2025/396

The above instrument is made in exercise of the powers conferred by sections 83(5)(i) and 84(1) of the Sexual Offences Act 2003. The instrument is subject to the affirmative procedure.

Summary Box

Registered sex offenders are already required to notify certain matters to the police. This instrument will add a requirement to notify the police if the offender applies for a gender recognition certificate or receives a full gender recognition certificate.

Policy Objectives

Registered sex offenders living in the community are required by Part 2 of the Sexual Offences Act 2003 to make initial notifications to the police and to update these notifications when required.

Where an offender makes an initial notification to the police, this instrument will require them to include information on any application for a gender recognition certificate ("GRC") or on obtaining a full GRC.

Where after their initial notification to the police, an offender makes an application for a GRC or is issued with a full GRC the offender will be required to notify this to the police as a change of circumstances.

The policy aim of the notification requirements generally is to help the police manage registered sex offenders in the community. Under the notification requirements, a registered sex offender is already required to notify the police of a wide range of details including the offender's date of birth; their National Insurance number; their name and any changes of name; their address; and information on any passport they hold. The information on any application for gender recognition or on the issue of any full GRC will add to this existing information.

Assuming the regulations are approved by Parliament and come into force, they will be useful in establishing an individual's identity which is a key part of offender management.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment

Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

There has been no public consultation on this instrument although whilst preparing it the Scottish Government has engaged with Police Scotland, the Gender Recognition Panel and Scottish Trans.

During the passage of the Gender Recognition Reform (Scotland) Bill, Ministers indicated they would introduce regulations to amend the sex offender notification requirements so that people who are on the register are required to notify the police with details if they apply for legal gender recognition.

Impact Assessments

A Child Rights and Wellbeing Impact Assessment (CRWIA) and an Equality Impact Assessment (EQIA) have been prepared.

Financial Effects

The financial implications are low as this is building on existing notification requirements.

The Cabinet Secretary for Justice and Home Affairs confirms that no Business and Regulatory Impact Assessment (BRIA) is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Justice Directorate

October 2025