EXPLANATORY MEMORANDUM TO

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) (ENGLAND AND WALES) (AMENDMENT) REGULATIONS 2019

2019 No. 1055

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 To amend the list of police stations prescribed in England and Wales at which notification requirements imposed on sex offenders can be discharged.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Extent and Territorial Application

4.1 The extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England and Wales.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 Part 2 of the Sexual Offences Act 2003 ("the 2003 Act") imposes notification requirements on persons convicted of offences specified in Schedule 3 to that Act and on certain other categories of person. Section 87(1) of the 2003 Act provides that notification is given by attending at a prescribed police station in a person's local police area. The Schedule to the Sexual Offences Act 2003 (Prescribed Police Stations) (England and Wales) Regulations 2018 (S.I. 2018/447) ("the 2018 Regulations") contains the list of police stations currently prescribed.

7. Policy background

What is being done and why

7.1 The Sexual Offences Act 2003 imposes notification requirements on "relevant offenders" (principally people who are convicted or cautioned for sexual offences listed in Schedule 3 to the 2003 Act). This is commonly referred to as the "Sex Offenders Register".

7.2 Whilst they are subject to the notification requirements, sex offenders have to notify certain details to the police. Section 83(5) of the 2003 Act lists these details, which include name, address, date of birth and national insurance number.

7.3 Section 87(1) of the 2003 Act requires notification to be given by attending a police station in a sex offender's local area which is prescribed in regulations, and by giving an oral notification to a police officer or person authorised for the purpose by the officer in charge of the station.

7.4 These Regulations are necessary to update the 2018 Regulations: some police stations have closed, and others need to be added as newly prescribed stations. The ability to update the list of prescribed police stations allows the numbers of sex offenders notifying to a police station to be managed, ensures a reasonable geographic spread and avoids sex offenders attending premises which are no longer a police station in order to notify.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 This is the first amending instrument to the consolidated instrument made in 2018.

10. Consultation outcome

10.1 Consultation has taken place with the National Policing Lead for the Management of Sexual Offenders and Violent Offenders in drawing up the revisions to the list of police stations prescribed in the 2018 Regulations.

11. Guidance

11.1 No guidance is given on this instrument.

12. Impact

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

12.2 There is no impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument.

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 Department will review and update the 2018 Regulations, as amended, as and when necessary in consultation with the police. There will be no specific review of these amending Regulations.

15. Contact

15.1 Nick Ormiston at the Home Office; telephone 0207 035 3251 or email nick.ormiston@homeoffice.gsi.gov.uk can be contacted with any queries regarding the instrument.

15.2 Krisztina Katona, Deputy Director for the Public Protection Unit at the Home Office, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Victoria Atkins, Parliamentary Under-Secretary of State for Crime, Safeguarding and Vulnerability, can confirm that this Explanatory Memorandum meets the required standard.