EXPLANATORY MEMORANDUM TO

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) REGULATIONS 2009

2009 No. 722

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 The purpose of this statutory instrument is to replace the prescribed police stations as presently set out in the Sexual Offences Act 2003 (Prescribed Police Stations) Regulations 2005 with a revised list to take account of changes to the addresses of and designated police stations in some forces.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Part 2 of the Sexual Offences Act 2003 (the '2003 Act') concerns the management of sex offenders. Sections 80 to 93 make provision for certain sex offenders to be subject to a requirement to notify specified personal details to the police, namely their name, date of birth, national insurance number, home address and any other address where they regularly reside. They must also notify the police if they intend to travel outside the UK.

4.2 Section 87(1)(a) of the 2003 Act requires such notifications to be given by the person attending a police station in his local police area which has been prescribed in regulations.

4.3 Failing to comply with the notification requirements is a criminal offence punishable by a maximum of 5 years' imprisonment.

5. Territorial Extent and Application

5.1 This instrument applies to England, Wales and Northern Ireland.

6. European Convention on Human Rights

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

7. Policy background

7.1 The notification requirements form part of a range of measures that have been developed to manage sex offenders in the community. They provide an invaluable tool to the authorities by enabling the police to keep track of the

whereabouts of individual sex offenders so that they can manage the risk they pose.

7.2 These Regulations are needed to update the list of prescribed police stations to take into account the fact that some police stations have changed address or closed and others now need to be designated as prescribed police stations.

Consolidation

7.3 Not applicable.

8. Consultation outcome

8.1 Consultation has taken place with Association of Chief Police Officers in drawing up the revised list.

9. Guidance

9.1 Consistent with the Guidance on Part 2 of the 2003 Act, (which is available online http://www.crimereduction.homeoffice.gov.uk/sexual/sexual027a.pdf), courts may wish to give relevant offenders the list of prescribed stations on conviction and the police should provide the offender with the list when they issue a caution, warning or reprimand. In addition, the prison service should consider giving a relevant offender a list of prescribed stations when they are released. It should be made clear to the offender that the details of police stations may change and should be checked – a police station's change of address should not be a defence for failing to register.

10. Impact

10.1 The impact on business, charities or voluntary bodies is minimal and falls considerably short of the £5 million threshold.

10.2 The impact on the public sector is minimal and falls considerably short of the £5 million threshold.

10.3 An Impact Assessment has not been prepared for this instrument because no impact on the private or voluntary sector is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Home Office will update the regulations as and when necessary in consultation with the police.

13. Contact

Ify Okoye at the Home Office Tel: 020 7035 1846 or email: Ifeyinwa.Okoye@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.