EXPLANATORY MEMORANDUM TO

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) REGULATIONS 2011

2011 No. 1788

1. This explanatory memorandum has been prepared by the Home Office ("the Department") and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations replace, in relation to England and Wales only, the list of prescribed police stations in the Sexual Offences (Prescribed Police Stations) Regulations 2010 (SI 2010/207) ("the 2010 Regulations") with a revised list which adds, removes or amends the addresses of some existing prescribed police stations.

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") contains provision for the management of sex offenders. Sections 80 to 96B make provision for certain sex offenders to be subject to a requirement to notify specified personal details to the police including (but not limited to) their name, date of birth, national insurance number, home address and addresses of any other premises in the United Kingdom at which they regularly reside or stay. They must also notify the police if they intend to travel outside the United Kingdom for a period of three or more days.

4.2 Section 87(1)(a) of the 2003 Act requires such notifications to be given by the offender by attending at a police station in the offender's local police area as is prescribed in the regulations.

4.3 Failure to comply with the notification requirements is an offence punishable by a maximum penalty of 5 years' imprisonment.

4.4 The 2010 Regulations, which are amended by these Regulations, applied to England, Wales and Northern Ireland. The 2003 Act was amended on 12 April 2010 by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (SI 2010/976) with the effect that certain powers in the 2003 Act which were formerly exercisable by the Secretary of State (including the power in section 87(1) of the 2003 Act under which these Regulations have been made) were transferred to the Department of Justice in Northern Ireland.

5. Territorial Extent and Application

5.1. These Regulations apply to England and Wales.

6. European Convention on Human Rights

6.1 As these Regulations are subject to the negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 The notification requirements are part of a range of measures which have been introduced to manage sex offenders in the community. They provide an important tool to the authorities by enabling the police to keep track of the whereabouts of sex offenders in order to manage the risk they may pose.

7.2 These Regulations are necessary to update the list of prescribed police stations to reflect the fact that some police stations have changed address or closed, and others need to be added as a new prescribed police station, in order to manage the number of sex offenders living or residing in any local police force area.

- ***Consolidation***

7.3 Not applicable.

8. Consultation outcome

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

9. Guidance

9.1 In accordance with the Department's Guidance on Part 2 of the 2003 Act available online at: http://www.homeoffice.gov.uk/publications/police/operational-policing/guidance-part-2-sexual-offences, the courts may wish to provide sex offenders subject to the notification requirements with a list of prescribed police stations in their area, and the police should provide the offender with the list when they issue a caution, warning or reprimand. Moreover, the prison service should consider providing sex offenders subject to the notification requirements with a list of prescribed police stations on release. The offender should be made aware that the details of police stations may change and should be checked; a change of address or closure of a prescribed police station is unlikely to be a defence for a failure to notify in accordance with the requirements under Part 2 of the 2003 Act.

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 these Regulations.

11. Regulating small business

11.1 These Regulations do not apply to small business.

12. Monitoring & review

12.1 The Department will review and update these Regulations as and when necessary in consultation with the police.

13. Contact

13.1 Deborah Child at the Home Office (telephone: 020 7035 0065; or e-mail: deborah.child@homeoffice.gsi.gov.uk) can answer any queries regarding these Regulations.