EXPLANATORY MEMORANDUM TO

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) REGULATIONS 2017

2017 No. 573

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 These Regulations replace, in relation to England and Wales, the list of prescribed police stations in the Sexual Offences (Prescribed Police Stations) (No. 2) Regulations 2015 (SI 2015/1523) ("the 2015 Regulations"), which came into force on 14 September 2015, with a revised list. The update is necessary to revise the previous list which includes the addresses of certain stations in London, Avon and Somerset, Cheshire, Derbyshire, Durham, Dyfed Powys, Essex, Gwent, Hampshire, Manchester, Hertfordshire, Lancashire, Leicestershire, Northamptonshire, Northumbria, Staffordshire, Suffolk, Thames Valley, West Midlands, Wiltshire and West Yorkshire that no longer provide a notification service and does not include the addresses of certain police stations in these areas which should now be prescribed.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 This entire instrument applies only to England and Wales.

3.3 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. 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 103 make provision for certain sexual offenders to be subject to a requirement to notify specified personal information to the police including (but not limited to) their name, date of birth, national insurance number, home address and address 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.

4.2 Section 87(1)(a) of the 2003 Act requires such notifications to be given by the offender by attending any police station in the offender's local police area as may be prescribed in regulations. These Regulations update the police stations which are prescribed for the purposes of section 87(1)(a).

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

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

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

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

What is being done and why

7.1 The notification requirements are part of a range of measures which are used to manage sex offenders in the community. They provide an important tool for police to keep track of the whereabouts of sex offenders in order to manage the risk they may pose to the public.

7.2 These Regulations are necessary to update the list of prescribed police stations to reflect the fact that 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.

Consolidation

7.3 Not applicable.

8. Consultation outcome

8.1 Consultation has taken place with the National Policing Lead for the Management of Sexual Offenders and Violent Offenders in drawing up the revised list of police stations prescribed in these Regulations.

9. Guidance

9.1 In accordance with the Department's Guidance on Part 2 of the 2003 Act, available online at https://www.gov.uk/government/publications/guidance-on-part-2-of-the-sexual-offences-act-2003, 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. Moreover, the prison service should consider providing sex offenders subject to notification requirements with a list of prescribed police stations on their 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 in relation to a failure to notify in accordance with the requirements under Part 2 of the 2003 Act.

10. Impact

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

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.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

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

13. Contact

13.1 Jaimie Cooper at the Home Office (telephone: 0207 035 3668, or email: Jaimie.Cooper3@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.