EXPLANATORY MEMORANDUM TO

The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2012

2012 No 325

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (detailed above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under section 87(1) (a) of the Sexual Offences Act 2003 (the '2003 Act') and is subject to the negative resolution procedure.

2. Purpose

2.1 The Statutory Rule revokes Schedule 2 to the Sexual Offences Act 2003 (Prescribed Police Stations) Regulations 2010 (SI 2010/207).

2.2 Schedule 2 includes a list of prescribed police stations operating in Northern Ireland, where convicted sex offenders can attend in order to notify their personal details to police, as required under statutory notification arrangements of the 2003 Act.

2.3 The Statutory Rule is necessary to reflect minor changes made to the list of prescribed police stations contained in Schedule 2 of the 2010 Regulations, as required by the Police Service of Northern Ireland.

3. Background

3.1 Part 2 of the 2003 Act contains provision for the management of sex offenders. Included in sections 80 to 96B of Part 2, is the requirement for certain sex offenders to notify specific personal details to the police including, but not limited to: their name; date of birth; national insurance number; home address; and any other address in the United Kingdom where they regularly reside or stay. They must report to their local police every year, regardless of whether or not their circumstances have changed, and they must inform police if they intend to travel outside the United Kingdom for a period of three or more days. Failure to comply with the notification requirements is an offence punishable by a maximum penalty of five years imprisonment.

3.2 Section 87 of Part 2 describes where and how the offender is required to notify information to the police. Section 87(1)(a) provides the power to make regulations citing the police stations at which an offender may make notification, specifying that this must be done in person. The list of prescribed

stations is necessary to ensure that relevant offenders only attend those police stations which are equipped to receive the required information.

3.3 Prior to devolution of policing and justice in Northern Ireland, regulations made under the 2003 Act (to include Northern Ireland), were the responsibility of the Secretary of State. However, legislative amendment made to the 2003 Act on devolution has meant that the Department of Justice is now responsible for making those regulations relevant to Northern Ireland.

3.4 Since devolution, Home Office colleagues have replaced the 2010 Regulations (revoking Schedule 1, which contains the list of prescribed police stations in England and Wales) to reflect further changes to the list of prescribed police stations in England and Wales.

3.5 These Regulations replace the 2010 Regulations, as far as they relate to Northern Ireland, and provide an up-to-date list of all prescribed police stations in Northern Ireland where convicted sex offenders can notify. Specifically those changes made are: the name of Newry police station has been changed to its official name of Ardmore police station and the name of Craigavon police station has been changed to its official name of Lurgan police station; Strandtown police station and Cookstown police station have been removed from the list, as they no longer provide the required facilities to receive relevant offenders and; the addresses of both Musgrave police station and Omagh police station have been changed to take account of their relocation.

4. Consultation

4.1 The Regulations amend current legislation. Full consultation was undertaken at the policy development stage, prior to the making of primary legislation.

4.2 The Department has, however, consulted with the Police Service of Northern Ireland to ensure the accuracy of the list of prescribed police stations included in the Regulations' Schedule.

4.3 The Department will review and update these Regulations as and when necessary in consultation with the Police Service of Northern Ireland.

5. Equality Impact

5.1 There are no issues of equality to be considered. Any issues arising were addressed fully at the primary legislation stage.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment was not considered necessary.

7. Financial Implications

7.1 There are no financial implications for the Department or the Police Service of Northern Ireland.

8. Section 24 of the Northern Ireland Act 1998

8.1 The legislation is considered compatible with section 24 of the Northern Ireland Act 1998 and no human rights issues have been identified.

9. EU Implications

9.1 There are no EU implications arising from the Regulations.

10. Parity or Replicatory Measure

10.1 The Regulations ensure parity in legislation which is in place in England and Wales. Home Office is also required under Section 87(1) (a) of the 2003 Act, to make regulations citing the police stations at which a convicted sex offender may make notification in England and Wales.

11. Additional Information

11.1 Not applicable.