POLICY NOTE

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) (SCOTLAND) AMENDMENT (NO. 2) REGULATIONS 2024

SSI 2024/377

The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment (No. 2) Regulations 2024 ("the Amendment Regulations") are made in exercise of the powers conferred by section 87(1)(a) of the Sexual Offences Act 2003 ("the 2003 Act"). The Amendment Regulations are subject to negative procedure.

These Regulations amend the list of police stations prescribed in the Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2017 at which notification requirements imposed on sex offenders can be discharged.

Policy Objectives

1. In Scotland a sex offender becomes subject to the notification requirements of Part 2 of the 2003 Act if they are convicted, or have a finding made against them, in respect of an offence listed in Schedule 3 of the 2003 Act or have a civil preventative order (e.g. sexual harm prevention order) made against them which includes a requirement to comply with the notification requirements. Such individuals have to notify the police of their name and address, and certain other personal details within a specified period. The relevant information requires to be updated periodically and where there is a change of circumstances.

2. Section 87(1) of the 2003 Act provides that a sex offender gives notification under sections 83(1), 84(1), or 85(1) of the 2003 Act by attending any police station which is prescribed for this purpose by regulations and giving an oral notification to any police officer, or to any person authorised for that purpose by the officer in charge of the station. The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2017 ("the 2017 Regulations") prescribe a list of police stations in Scotland at which a sex offender can attend to notify the police of their details. The 2017 Regulations came into force on 9th October 2017.

3. Section 87 of the 2003 Act empowers the police to take photographs, fingerprints and samples to verify the individual's identity upon notification. Notification should therefore take place at a station where the necessary facilities are available.

4. The Amendment Regulations will **remove the entry for one prescribed police station on the current list, namely Rutherglen Police Station**, **and will add an alternative to the prescribed list – Cambuslang Police Station**. The amendment required is due to structural health and safety concerns regarding Rutherglen Station, which has been marked for immediate closure. It is proposed that once Rutherglen closes, registration of sex offenders will take place at Cambuslang which will be added to the list of prescribed police stations. In the meantime, registration of RSOs will take place at London Road, and Cathcart Police Stations, both located in Glasgow and within close proximity to Rutherglen. Both of these stations are already contained in the list of prescribed stations and RSOs currently attend at these stations to register their details.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

5. In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment (No. 2) Regulations 2024 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

6. This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

7. In this particular circumstance no consultation has taken place with external stakeholders, as closure is not discretionary given the building condition - however, communications will be issued to the public as and when required. Rutherglen station has been marked for immediate closure as a result of structural health and safety concerns, leaving Police Scotland with no alternative but to cease operating from that building to ensure the safety of both staff and the public. Internal consultation has taken place between Lanarkshire and Greater Glasgow Policing Divisions to ensure an effective interim process. Contingencies have been put in place to enable individuals to register at two police stations, London Rd and Cathcart, both of which are within close proximity to Rutherglen.

Impact Assessments

8. The impact of the Amendment Regulations will be purely administrative for Police Scotland. The proposed alternative, Cambuslang, is within close proximity to Rutherglen so the impact on individuals having to register at an alternative station should be minimal. There will be no overall impact on businesses, equalities or strategic environment, and therefore no impact assessments have been carried out.

Financial Effects

9. We can confirm that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Justice

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