EXECUTIVE NOTE

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) (SCOTLAND) AMENDMENT REGULATIONS 2012

SSI 2012/50

1. The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment Regulations 2012 ("the Amendment Regulations") are to be made in exercise of the power conferred by section 87(1)(a) of the Sexual Offences Act 2003 ("the 2003 Act"). The Amendment Regulations are subject to negative procedure.

Policy Objectives

2. In Scotland a sex offender becomes subject to the notification requirements of Part 2 of the 2003 Act if that person is convicted of an offence listed in Schedule 3 to the 2003 Act, or where another finding contained in section 80(1) of the 2003 Act is made against them, or if a civil preventative order (e.g. sexual offences prevention orders as provided by sections 104 to 109 of the 2003 Act) has been made against that offender which includes a requirement to comply with the notification requirements. Such offenders have to notify the police of their name, address, and certain other personal details within 3 days of their conviction, sentence, or when a sexual offences prevention order is made.

3. 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 in their local police area which is prescribed for those purposes by regulations. Local police area is defined in section 88(3) of the 2003 Act. The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2008 (SSI No. 128 "the 2008 Regulations") prescribed a list of police stations within each police area in Scotland at which a sex offender can attend to notify the police of their details. The 2008 Regulations came into force on 6th May 2008.

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

5. The Amendment Regulations reflect a number of changes of address for the Dumfries & Galloway, Lothian and Borders and Strathclyde police areas. Also Strathclyde police ask that we add the London Road and Easterhouse police stations to ensure that a proper geographical spread of offices is available in the East of Glasgow.

- In the Dumfries & Galloway police area the address of Annan Police Station changed to 29-31 High Street Annan.

- In the Lothian and Borders police area the address of the Livingston Police Station changed to West Lothian Civic Centre, Howden Street South, Livingston.

- In the Strathclyde police area the address of the Campbeltown Police Station changed to Hazelburn Business Park, Campbeltown. Also in this area, London Road Police Station, and Easterhouse Police Station, are added to the list of prescribed police stations.

Consultation

6. The Association of Chief Police Officers in Scotland was consulted on the 2008 Regulations and the Police provided us with details of the changes, enabling us to draft the Amendment Regulations.

Financial effects

7. The Regulations have no financial effects on the Scottish Government's program expenditure.

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