POLICY NOTE

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) (SCOTLAND) AMENDMENT REGULATIONS 2021

SSI 2021/220

The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment Regulations 2021 ("the Amendment Regulations") are to be 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 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 sexual offences prevention order, 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 the making of a sexual offences prevention order against them.

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. 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 offender's identity upon notification. Notification should therefore take place at a station where the necessary facilities are available.

4. The Amendment Regulations will:

Amend the addresses for 2 prescribed police stations on the current list, namely Aberdeen Police Station and Peterhead Police Station. The amendments required to these addresses are due to changes of address of those police stations within Peterhead and Aberdeen.

Remove 1 listed prescribed police station. The station being removed is Saracen Police Station.

5. Police Scotland confirm that these addresses have been checked with the local Division and with the Royal Mail website.

Consultation

6. The Police Service of Scotland (PSOS) was consulted on the 2017 Regulations and provided us with details of the present changes, enabling us to draft the Amendment Regulations. PSOS is clear that the revised list delivers the required geographical coverage across Scotland to allow those offenders who are subject to the notification requirements under the 2003 Act to comply with the said requirements.

Impact Assessments

7. The impact of the Amendment Regulations will be purely administrative for the PSOS and individuals subject to the notification requirements of the 2003 Act. There will be no impact on businesses, equalities or strategic environment, therefore no impact assessments have been carried out.

Financial Effects

8. The Cabinet Secretary for Justice confirms 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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