POLICY NOTE

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) (SCOTLAND) AMENDMENT REGULATIONS 2024

SSI 2024/30

The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment 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 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 offenders have to notify the police of their name and address, and certain other personal details within a specified period. The relevant information also 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 Tain Police Station**. The amendment required is due to this station no longer having the capacity to provide the facilities for sex offenders to register or update their details. It is proposed that regisitration of sex offenders will take place at Alness Police Station, located 14 miles away from Tain Police Station and where most of the Easter Ross police staff are currently based. Alness Police Station is already contained in the list of prescribed police stations and individuals currently attend at this station to register their details, so the only action required is to remove Tain Police Station from Schedule 1 of the 2017 Regulations.

EU Alignment Consideration

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

Consultation

6. Police Scotland were consulted on the 2017 Regulations and provided the Scottish Government with details of the present change, enabling drafting of the Amendment Regulations. Additionally, the local councillor for Tain has been informed of this operational change and no objections have been raised. Police Scotland is clear that the revised list delivers the required geographical coverage across Scotland to allow those individuals 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 Police Scotland. There may also be a small impact on certain individuals in terms of having to travel further distances to register – however, as there is an alternative station within 14 miles that may mitigate that impact. However there will be no overall impact on businesses, equalities or strategic environment, therefore no impact assessments have been carried out.

Financial Effects

8. 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

January 2024