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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 214 (C. 15)**

**CRIMINAL LAW**

**The Criminal Justice and Licensing (Scotland) Act 2010  
(Commencement No. 11 and Saving Provision) Order 2013**

|  |         |                       |
|--|---------|-----------------------|
| <i>Made</i>                                    | - - - - | <i>21st June 2013</i> |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>24th June 2013</i> |
| <i>Coming into force</i>                       | - -     | <i>8th July 2013</i>  |

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 201(1) and (2) and 206(1) of the Criminal Justice and Licensing (Scotland) Act 2010(1).

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 11 and Saving Provision) Order 2013 and comes into force on 8th July 2013.

(2) In this Order—

“the 2003 Act” means the Sexual Offences Act 2003(2);

“the 2010 Act” means the Criminal Justice and Licensing (Scotland) Act 2010;

“home address” has the meaning given by section 83(7) of the 2003 Act;

“relevant offender” has the meaning given by section 80(2) of the 2003 Act.

**Commencement of section 102(1) and (2) (sex offender notification requirements) of the 2010 Act**

2. Section 102(1) and (2) of the 2010 Act, in so far as not already in force, comes into force on 8th July 2013.

**Saving provision**

3.—(1) Paragraph (2) applies where—

(a) a relevant offender has notified information to the police under section 83(1), 84(1) or 85(1) of the 2003 Act before 8th July 2013; and

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(1) 2010 asp 13.  
(2) 2003 c.42.

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(b) the last home address notified by the relevant offender was the address or location of such a place as is mentioned in section 83(7)(b) of the 2003 Act.

(2) Despite article 2, the amendments made to section 85 (notification requirements: periodic notification) of the 2003 Act by section 102(2) of the 2010 Act are of no effect until the relevant offender first notifies under section 84(1) or 85(1) of the 2003 Act on or after 8th July 2013.

St Andrew's House,  
Edinburgh  
21st June 2013

*KENNY MACASKILL*  
A member of the Scottish Government

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force section 102(1) and (2) of Criminal Justice and Licensing (Scotland) Act 2010 (“the 2010 Act”), in so far as not already in force. It also makes a related saving provision.

Article 2 brings fully into force, on 8th July 2013, section 102(1) and (2) of the 2010 Act. Section 102(1) and (2) of the 2010 Act amends section 85 of the Sexual Offences Act 2003 (“the 2003 Act”), relating to sex offender notification requirements. The amendments make provision in relation to the applicable period within which certain sex offenders (“relevant offenders”) must periodically notify to the police specific personal information. They provide for a different period to be prescribed for relevant offenders who have no sole or main residence in the United Kingdom, as compared with those that do (and for whom the period continues to be one year). Section 102(1) and (2) of the 2010 Act was brought partially into force (for restricted purposes only) on 28th March 2011.

Article 3 makes a saving provision in relation to relevant offenders who, on 8th July 2013, have no sole or main residence in the United Kingdom. It applies where those offenders have notified to the police, before that date, their personal information (including the address or location of a place in the United Kingdom where they can regularly be found) under section 83(1) (initial notification requirement), 84(1) (requirement to notify changes) or 85(1) (periodic notification requirement) of the 2003 Act. The amendments which section 102(2) of the 2010 Act makes to section 85 of the 2003 Act do not apply to those offenders until they first notify under section 84(1) or 85(1) of the 2003 Act on or after 8th July 2013.

The Bill for the 2010 Act received Royal Assent on 6th August 2010. Sections 201, 202, 204, 205 and 206 of the 2010 Act came into force the following day.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the 2010 Act have been brought into force by commencement orders made before the date of this Order.

| <i>Provision</i>                                  | <i>Date of Commencement</i> | <i>S.S.I. No.</i>        |
|---|-----------------------------|--------------------------|
| Section 14(1) (in part)                           | 1st February 2011           | <a href="#">2010/413</a> |
| Section 14(1) (in so far as not already in force) | 1st April 2011              | <a href="#">2010/413</a> |
| Section 14(2)                                     | 1st February 2011           | <a href="#">2010/413</a> |
| Section 15  | 28th March 2011             | <a href="#">2011/178</a> |
| Section 16  | 13th December 2010          | <a href="#">2010/413</a> |
| Section 17  | 1st February 2011           | <a href="#">2010/413</a> |
| Section 19  | 28th March 2011             | <a href="#">2011/178</a> |
| Sections 20 and 21                                | 1st February 2011           | <a href="#">2010/413</a> |
| Section 22  | 28th March 2011             | <a href="#">2011/178</a> |
| Section 23  | 13th December 2010          | <a href="#">2010/413</a> |

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| <i>Provision</i>                                  | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|---|-----------------------------|-------------------|
| Section 24  | 28th March 2011             | 2011/178          |
| Sections 25 and 26                                | 13th December 2010          | 2010/413          |
| Section 27  | 28th March 2011             | 2011/178          |
| Sections 28 to 31                                 | 13th December 2010          | 2010/413          |
| Sections 32 and 33                                | 28th March 2011             | 2011/178          |
| Section 34  | 13th December 2010          | 2010/413          |
| Section 35  | 28th March 2011             | 2011/178          |
| Section 36  | 28th March 2011             | 2011/178          |
| Section 37  | 13th December 2010          | 2010/413          |
| Section 38  | 6th October 2010            | 2010/339          |
| Sections 39 to 41                                 | 13th December 2010          | 2010/413          |
| Section 42  | 28th March 2011             | 2011/178          |
| Sections 43 and 44                                | 1st December 2010           | 2010/357          |
| Section 45  | 13th December 2010          | 2010/413          |
| Sections 46 to 53                                 | 28th March 2011             | 2011/178          |
| Section 54  | 6th June 2011               | 2011/178          |
| Section 55  | 28th March 2011             | 2011/178          |
| Section 56  | 13th December 2010          | 2010/413          |
| Sections 57 and 58                                | 28th March 2011             | 2011/178          |
| Sections 59 and 60                                | 13th December 2010          | 2010/413          |
| Sections 61 and 62                                | 28th March 2011             | 2011/178          |
| Section 63  | 1st December 2010           | 2010/357          |
| Section 64  | 13th December 2010          | 2010/413          |
| Sections 65 to 70                                 | 28th March 2011             | 2011/178          |
| Section 71  | 13th December 2010          | 2010/413          |
| Sections 72 to 76                                 | 28th March 2011             | 2011/178          |
| Section 77(1) (in part)                           | 28th March 2011             | 2011/178          |
| Section 77(1) (in so far as not already in force) | 1st August 2011             | 2011/178          |
| Section 77(2)(a)                                  | 28th March 2011             | 2011/178          |
| Section 77(2)(b) and (c)                          | 1st August 2011             | 2011/178          |
| Section 77(3)                                     | 28th March 2011             | 2011/178          |
| Sections 78 and 79                                | 28th March 2011             | 2011/178          |
| Section 80 (in part)                              | 13th December 2010          | 2010/413          |
| Section 80 (in so far as not already in force)    | 15th April 2011             | 2011/178          |

| <i>Provision</i>                                       | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|--|-----------------------------|-------------------|
| Section 81   | 28th March 2011             | 2011/178          |
| Section 82   | 1st August 2011             | 2011/178          |
| Section 83   | 5th November 2010           | 2010/385          |
| Section 84   | 28th March 2011             | 2011/178          |
| Section 85   | 6th June 2011               | 2011/178          |
| Sections 86 to 91                                      | 28th March 2011             | 2011/178          |
| Section 93   | 13th December 2010          | 2010/413          |
| Sections 94 to 96                                      | 10th January 2011           | 2010/413          |
| Section 97   | 6th October 2010            | 2010/339          |
| Section 99   | 13th December 2010          | 2010/413          |
| Section 100  | 1st November 2011           | 2011/354          |
| Section 101  | 13th December 2010          | 2010/413          |
| Section 102(1) (in part), (2) (in part) and (3) to (6) | 28th March 2011             | 2011/178          |
| Section 103  | 1st November 2011           | 2011/354          |
| Sections 104 and 105                                   | 13th December 2010          | 2010/413          |
| Sections 106 and 107                                   | 28th March 2011             | 2011/178          |
| Section 108(1) (in part) and (4)                       | 12th October 2010           | 2010/344          |
| Section 108 (in so far as not already in force)        | 28th February 2011          | 2011/157          |
| Section 109  | 1st November 2011           | 2011/354          |
| Section 110  | 1st November 2011           | 2011/354          |
| Sections 111 to 114                                    | 13th December 2010          | 2010/413          |
| Section 115  | 28th March 2011             | 2011/178          |
| Sections 116 to 167                                    | 6th June 2011               | 2011/178          |
| Sections 168 to 171                                    | 25th June 2012              | 2012/160          |
| Section 172(1) to (3), (4)(a), (5) and (6)             | 28th March 2011             | 2011/178          |
| Section 173  | 13th December 2010          | 2010/413          |
| Section 174  | 1st November 2011           | 2011/354          |
| Section 175  | 28th March 2011             | 2011/178          |
| Section 176  | 1st April 2012              | 2011/178          |
| Section 177  | 1st October 2012            | 2011/178          |
| Section 178(3)(e)                                      | 16th August 2010            | 2010/297          |
| Section 178 (in so far as not already in force)        | 28th February 2011          | 2010/413          |
| Sections 180 and 181                                   | 13th December 2010          | 2010/413          |
| Section 182  | 28th February 2011          | 2010/413          |

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|---|---|-------------------|
| Section 183   | 13th December 2010  | 2010/413          |
| Section 184(1), (2) (in part) and (3) (in part)               | 13th December 2010  | 2010/413          |
| Section 184 (in so far as not already in force)               | 1st November 2011   | 2011/354          |
| Section 185   | 13th December 2010  | 2010/413          |
| Section 186   | 28th March 2011   | 2011/178          |
| Section 187   | 13th December 2010  | 2010/413          |
| Section 188(1)  | 13th December 2010  | 2010/413          |
| Section 188(2)  | 28th March 2011   | 2011/178          |
| Section 188(3)  | 13th December 2010  | 2010/413          |
| Sections 189 and 190  | 1st October 2011  | 2011/178          |
| Section 191   | 28th March 2011   | 2011/178          |
| Sections 192 to 194   | 13th December 2010  | 2010/413          |
| Section 195(1), (2) and (3) (in part)                         | 13th December 2010  | 2010/413          |
| Section 195 (in so far as not already in force)               | 1st November 2011   | 2011/354          |
| Section 196   | 13th December 2010  | 2010/413          |
| Sections 198 and 199  | 13th December 2010  | 2010/413          |
| Section 203   | 28th March 2011   | 2011/178          |
| Schedule 2 (with the exception of paragraph 38)               | 1st February 2011   | 2010/413          |
| Schedule 2, paragraph 38                                      | The day that section 25(2) of the Welfare Reform Act 2009 (c.24) (jobseekers allowance: sanctions for violent conduct etc. in connection with claim) comes into force | 2010/413          |
| Schedule 4 (with the exception of paragraph 12)               | 13th December 2010  | 2010/413          |
| Schedule 5  | 28th March 2011   | 2011/178          |
| Schedule 6 (with the exception of paragraphs 2, 9, 10 and 17) | 13th December 2010  | 2010/413          |
| Schedule 6, paragraphs 2, 9, 10 and 17                        | 1st November 2011   | 2011/354          |
| Schedule 7, paragraphs—                                       |   |                   |
| 1 to 3  | 28th March 2011   | 2011/178          |
| 4 and 5   | 13th December 2010  | 2010/413          |
| 6   | 28th March 2011   | 2011/178          |
| 7   | 1st November 2011   | 2011/354          |
| 8   | 25th June 2012  | 2012/160          |
| 9 and 10  | 1st November 2011   | 2011/354          |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|------------------|-----------------------------|-------------------|
| 11 and 12        | 28th March 2011             | 2011/178          |
| 13               | 13th December 2010          | 2010/413          |
| 14 and 15        | 28th March 2011             | 2011/178          |
| 16               | 25th June 2012              | 2012/160          |
| 17 to 25         | 28th March 2011             | 2011/178          |
| 27 to 31         | 28th March 2011             | 2011/178          |
| 32               | 25th June 2012              | 2012/160          |
| 33               | 1st August 2011             | 2011/178          |
| 34 to 36         | 28th March 2011             | 2011/178          |
| 37 to 43         | 25th June 2012              | 2012/160          |
| 44 and 45        | 28th March 2011             | 2011/178          |
| 46               | 25th June 2012              | 2012/160          |
| 47               | 28th March 2011             | 2011/178          |
| 48               | 10th January 2011           | 2010/413          |
| 49               | 13th December 2010          | 2010/413          |
| 50               | 28th March 2011             | 2011/178          |
| 51               | 25th June 2012              | 2012/160          |
| 52 to 56         | 28th March 2011             | 2011/178          |
| 57 and 58        | 25th June 2012              | 2012/160          |
| 59 to 61         | 28th March 2011             | 2011/178          |
| 62               | 25th June 2012              | 2012/160          |
| 63 to 65         | 28th March 2011             | 2011/178          |
| 66               | 25th June 2012              | 2012/160          |
| 67 to 69         | 28th March 2011             | 2011/178          |
| 71               | 25th June 2012              | 2012/160          |
| 72               | 28th March 2011             | 2011/178          |
| 73               | 25th June 2012              | 2012/160          |
| 74               | 28th March 2011             | 2011/178          |
| 75 and 76        | 25th June 2012              | 2012/160          |
| 77 to 83         | 28th March 2011             | 2011/178          |
| 84 and 85        | 25th June 2012              | 2012/160          |
| 86               | 13th December 2010          | 2010/413          |
| 87               | 25th June 2012              | 2012/160          |

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