

EXECUTIVE NOTE

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) (SCOTLAND) REGULATIONS 2008 SSI 2008/128

1. The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2008 (“the Regulations”) are to be made in exercise of the power conferred by Section 87(1) of the Sexual Offences Act 2003 (“the 2003 Act”). The Regulations are subject to negative resolution 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, a finding contained in section 80(1) of the 2003 Act is made against them or if a civil prevention order (eg sexual offences prevention order as provided by sections 104 to 109 of the 2003 Act) has been made against that offender (provided such an order includes the requirement to comply with the notification requirements). Such offenders have to notify the police of the information which is set out in section 83(5) of the 2003 Act (which includes, among other things, their name and address) within 3 days of the conviction, sentence, or when a civil prevention order is made and served.
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 in regulations. Local police area is defined in section 88(3) of the 2003 Act. The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2004 (“the 2004 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 2004 Regulations (S.S.I. 2004/137) came into force 1st May 2004. Those Regulations have since been amended by S.S.I. 2004/370, S.S.I. 2005/9, S.S.I. 2005/156 and S.S.I. 2007/72.
4. Section 87 (5A) of the 2003 Act (as inserted by section 77 of the Police, Public Order and Criminal Justice (Scotland) Act 2006, empowers the police to take photographs, fingerprints and samples from any offender who attends a police station for notification purposes. Notification should therefore take place at a police station which has the necessary facilities.
5. These Regulations revoke “the 2004 Regulations” and the amending instruments, in order to provide a consolidated list of prescribed police stations for each police area in Scotland.

6. The Regulations also remove Caithness Police Station from and add Wick Police Station to the list of prescribed police stations in the Northern Constabulary Police Area This is due to the fact that Caithness Police Station is being decommissioned as a Police Station. Wick Police Station has been built in a separate location in Wick and is taking over the role of being a prescribed police station for notification purposes for that particular region.

Strathclyde Police

7. Glasgow West End Police Station is also added to the list of prescribed police stations for the Strathclyde police area. This station has all the suitable facilities and assists access by Strathclyde Police's Offender Management Unit based at Cranstonhill Police Station, Glasgow.

Consultation

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

Financial effects

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

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