

POLICY NOTE

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) (SCOTLAND) AMENDMENT REGULATIONS 2016

SSI 2016/187

1. The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment Regulations 2016 (“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 of 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 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. The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2014 (“the 2014 Regulations”) prescribed a list of police stations in Scotland at which a sex offender can attend to notify the police of their details. The 2014 Regulations came into force on 28th June 2014.

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 will:

- **Remove 2 listed prescribed police stations.** The stations being removed are Gayfield and Cumnock.
- **Add 7 new prescribed police stations.** The stations being added are Keith, Barrhead, Helensburgh, Tiree, Levenmouth, Cumbernauld, and Coatbridge.
- **Amend the addresses for 13 prescribed police stations on the current list.** The amendments required to these addresses are due to typographical errors, changes of address within the same town, or additional address details becoming available. Police Scotland confirm that all these addresses have been checked with local Divisions and with the Royal Mail website.

Consultation

7. The Police Service of Scotland (PSOS) was consulted on the 2014 Regulations and provided us with details of the 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 of the Sexual Offences Act 2003 to comply with the said requirements.

Impact Assessments

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

Financial Effects

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

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