

These notes relate to the Management of Offenders etc. (Scotland) Act 2005 (asp 14) which received Royal Assent on 8 December 2005

MANAGEMENT OF OFFENDERS ETC. (SCOTLAND) ACT 2005

EXPLANATORY NOTES

INTRODUCTION

Integrated Management Of Offenders

Section 18 – Offender’s failure to comply with notification requirements: jurisdiction of Scottish courts

128. **Section 18** substitutes a new version of section 91(4) of the Sexual Offences Act 2003 (“the 2003 Act”) to enable proceedings for an offence under section 91 to be commenced in a wider range of situations.
129. **Section 91** contains a number of offences relating to failure to comply with sex offender notification requirements. Under new section 91(4)(a), proceedings can be commenced in any court having jurisdiction in any place where the accused resides, is found, or was last known to reside. Under new subsection (4)(b), proceedings can be commenced in the court which convicted the accused of the offence to which the notification requirement relates. Under new subsection (4)(c), proceedings can be commenced in the court which has made a Sexual Offences Prevention Order (SOPO) under section 104(1) (b) of the 2003 Act in respect of the accused if that person is subject to the sex offender notification requirements by virtue of the SOPO. At present, section 91(4) only allows for proceedings to be commenced in any court having jurisdiction in any place where the person charged with the offence resided or was found.