

**EXPLANATORY MEMORANDUM TO
THE SEXUAL OFFENCES ACT 2003 (NOTIFICATION REQUIREMENTS)
REGULATIONS (NORTHERN IRELAND) 2014**

2014 No 185

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (detailed above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under sections 83(5) and 5(A), 84(1) and 5(A), 85(5), 86 and 138(9) of the Sexual Offences Act 2003 (“the 2003 Act”) and is subject to the affirmative resolution procedure.

2. Purpose

- 2.1 These Regulations amend information requirements which offenders, subject to notification under Part 2 of the 2003 Act, must provide to the police.
- 2.2 The Regulations amend existing notification arrangements: they require offenders to notify additional information in relation to travel outside the United Kingdom; and introduce a new requirement for offenders to notify information concerning their residence, banking arrangements, passports, or other forms of identification.

3. Background

- 3.1 Part 2 of the 2003 Act contains provisions for the prevention and detection of sexual offences. An offender convicted of a sexual offence which is listed in Schedule 3 to the 2003 Act (“a relevant offender”) becomes subject to the notification requirements set out in sections 83 to 86 of that Act.
- 3.2 A person must also comply with the notification requirements if they become subject to one of the civil preventative orders under Part 2 of the 2003 Act. Under sections 83 to 85 of the 2003 Act a relevant offender must initially notify to the police certain personal information including, but not limited to, their name; date of birth; national insurance number; home address; and any other address in the United Kingdom where they regularly reside or stay. They must report to police every year and whenever there are any changes to the information. Under regulations provided for in section 86 of the 2003 Act, relevant offenders must notify intended travel outside the United

Kingdom of three or more days. The information to be provided relates to the intended departure and return dates, foreign destination and carriers. Failure to comply with any of the notification requirements is an offence punishable by a maximum penalty of five years imprisonment.

- 3.3 Regulations governing the notification of foreign travel were initially made in England and Wales and Northern Ireland by way of The Sexual Offences Act 2003 (Travel Notification Requirements) Regulations 2004 (S.I.2004/1220) – “the 2004 Regulations”.
- 3.4 Prior to devolution of policing and justice in Northern Ireland, regulatory powers under the 2003 Act (to include Northern Ireland) were the responsibility of the Secretary of State. However, legislative amendment made to the 2003 Act on devolution means that the regulatory powers for Northern Ireland now fall to the Department of Justice.
- 3.5 Since devolution, Home Office colleagues have amended the 2004 Regulations to reflect changes to travel notification requirements of relevant offenders in England and Wales and added other requirements. These are contained in the Sexual Offences Act 2003 (Notification Requirements)(England and Wales) Regulations 2012 (S.I.2012/1876).
- 3.6 These will introduce similar changes to those made in England and Wales. As well as amending the travel notification requirements of the 2004 Regulations, they will introduce a new requirement to notify:
 - weekly, if the relevant offender does not regularly reside or stay at one place;
 - if the relevant offender has resided, or stayed for a period of at least 12 hours, at a household or other private place where a child resides or stays;
 - information in relation to any bank accounts, credit and debit cards held by the relevant offender (whether alone or with another person and whether in the name of an incorporated business run by the relevant offender); and
 - information contained in any passport or other form of identification held by the relevant offender.
- 3.7 These Regulations will also amend the existing requirements to notify proposed travel whereby:
 - all travel outside the United Kingdom, except to the Republic of Ireland (which remains the same at three days), must be notified;

- notification must be given at least 12 hours before intended departure; and
- information about intended additional destination countries, accommodation in such countries and carriers used to reach them, must also be notified.

4. Consultation

- 4.1 In developing this policy, the Department has worked closely with key partner agencies, including the Police Service of Northern Ireland and the Probation Board for Northern Ireland. Proposals on changes to be made to notification requirements were consulted upon as part of a wider public consultation exercise during July to October 2011 on Sex Offender Notification and Violent Offender Orders. A summary of representations made to the consultation was published in October 2011.
- 4.2 Points raised during consultation have been fully considered and the outcome has been reflected in these regulations. A copy of both the consultation document and the summary of responses to the consultation are available on the DoJ website: www.dojni.gov.uk.

5. Equality Impact

- 5.1 There are no issues of equality to be considered. Any issues arising from the requirement of a sex offender to notify to police would have been addressed fully at the primary legislation stage.

6. Regulatory Impact

- 6.1 A Regulatory Impact Assessment was not considered necessary.

7. Financial Implications

- 7.1 There are no financial implications in respect of this policy.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 There are no EU implications arising from the Regulations.

10. Parity or Replicatory Measure

10.1 The Regulations ensure parity in legislation which is in place in England and Wales.

11. Additional Information

11.1 Not applicable.