

EXPLANATORY MEMORANDUM TO
THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS)
REGULATIONS (NORTHERN IRELAND) 2020

SR 2020 No. 93

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Regulations made in this Statutory Rule (detailed above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under section 87(1) (a) of the Sexual Offences Act 2003 (the '2003 Act') and is subject to the negative resolution procedure.

2. Purpose

- 2.1 The Regulations revoke the Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2016 ('the 2016 Regulations' - S.R.2016 No.373), and replace them with a revised list of prescribed police stations, where convicted sex offenders can attend in order to notify their personal details to police, as required under statutory notification arrangements of the 2003 Act.
- 2.2 The new Regulations reflect changes which need to be made to the current list of prescribed police stations for notification purposes, as identified by the Police Service of Northern Ireland.

3. Background

- 3.1 Part 2 of the 2003 Act contains provision for the management of sex offenders. This includes provision for certain sex offenders to notify specific personal details to the police including (but not limited to) their name, date of birth, national insurance number, home address and any other address where they regularly reside or stay. They must also notify the police of any intended travel from their home, or when travelling outside the United Kingdom. These details must be notified to the police on a yearly basis, regardless of whether there is any change in circumstances.
- 3.2 Section 87 of Part 2 describes where and how the relevant offender is required to notify information to the police. Section 87(1)(a) provides the power to make regulations citing the police stations at which a relevant offender may make notification, specifying that this must be done in person. The list of prescribed police stations is necessary to ensure that relevant offenders only attend those police stations which are equipped to receive the required information.

- 3.3 Failure to comply with the notification requirements under Part 2 of the 2003 Act is a criminal offence punishable by a maximum penalty of five years imprisonment.
- 3.4 Part 8 of the Justice Act (Northern Ireland) 2015 (2015 c.9) – “the Justice Act” - makes provision for the Violent Offences Prevention Order (VOPO), and Schedule 3 to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (2015 c.2) – “the Human Trafficking Act” - makes provision for the Slavery and Trafficking Prevention Order (STPO). Those subject to a VOPO or a STPO are also required to notify their personal details to police in the same way as a relevant offender under Part 2 of the 2003 Act.
- 3.5 Consequently, statutory provision has been made (section 70 (1) of the Justice Act for the VOPO, and paragraph 15 (1) (a) for the Human Trafficking Act for the STPO) linking its provision to regulations made under section 87 (1) (a) of the 2003 Act, with the effect that those offenders subject to a VOPO or STPO must notify at a police station prescribed in the 2003 Act regulations.
- 3.6 These Regulations replace the 2016 Regulations currently in place, and provide an up-to-date list of all prescribed police stations in Northern Ireland where convicted sex offenders and those subject to a VOPO and a STPO can now notify.

4. Consultation

- 4.1 These Regulations replace current legislation. Full consultation was undertaken at the policy development stage, prior to the making of primary legislation.
- 4.2 The Department has, however, consulted with the Police Service of Northern Ireland to ensure the accuracy of the list of prescribed police stations, as included in the Regulations’ Schedule.
- 4.3 The Department will review and update these Regulations, as and when necessary, in consultation with the Police Service of Northern Ireland.

5. Equality Impact

- 5.1 There are no issues of equality to be considered. Any issues arising were 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 for the Department or the Police Service of Northern Ireland.

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 and no human rights issues have been identified.

9. EU Implications

- 9.1 There are no EU implications arising from the Regulations.

10. Parity or Replicatory Measure

- 10.1 Part 2 of the 2003 Act extends to all United Kingdom jurisdictions. The enabling power contained in section 87(1) of the 2003 Act, therefore, provides those jurisdictions with the ability to make regulations relevant to their own local area, citing the police stations at which a convicted sex offender may notify within those areas.
- 10.2 As regards the VOPO and STPO, similar orders exist in England and Wales – the Violent Offender Order (VOO) was introduced in the Criminal Justice and Immigration Act 2008, and the Slavery and Trafficking Prevention Order was introduced in the Modern Slavery Act 2015.
- 10.3 No similar order to the VOPO exists in Scotland. However, a Trafficking and Exploitation Prevention Order was introduced in the Human Trafficking and Exploitation (Scotland) Act 2015.
- 10.4 No similar orders to the VOPO or STPO exist in the Republic of Ireland.
- 10.5 Those subject to each of the orders in neighbouring jurisdictions are also required to notify, and would do so under the provision made for prescribed police stations in those jurisdictions.

11. Additional Information

- 11.1 Not applicable.