

EXECUTIVE NOTE

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) (SCOTLAND) AMENDMENT REGULATIONS 2007 SSI/2007/72

1. The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment Regulations 2007 (“the Amendment 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 Amendment 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 orders as provided by sections 104 to 109 of the 2003 Act) has been made against that offender, which 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 their 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 came into force on 1st May 2004. The 2004 Regulations have since been amended by S.S.I. 2004/370, S.S.I. 2005/9 and S.S.I. 2005/156.

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.

Strathclyde

5. The Amendment regulations remove Cambuslang, Alexandria and Helensburgh Police Stations from the list of prescribed police stations in the Strathclyde police area. The Offender Assessment Unit (OAU) is now moving out of Cambuslang Police Station and there will no longer be fingerprint, sample and photograph facilities. There are also no longer any facilities for taking fingerprints, samples or photographs at Alexandria and Helensburgh Police Stations.

6. Clydebank and Dumbarton Police Stations are prescribed police stations for notification purposes. These stations are located near to Alexandria and Helensburgh Police Stations and so travelling from those area to these stations is not considered to be unduly burdensome. It is not necessary to add another office to the prescribed list in lieu of the removal of Cambuslang Police Station, as there is a prescribed police office in each of the subdivisions in this area.

7. Finally in this area, Kirkintilloch Police Station is added to the list of prescribed police stations. This station has all the suitable facilities and it is considered that it will be more suitable to serve the part of the Glasgow which is currently serviced by Maryhill and Saracen Police Offices (which are prescribed police stations). Kirkintilloch Police Station will cover Kirkintilloch, Bishopbriggs, Lennoxton and other areas in the North of Glasgow and is closer to these areas than Maryhill or Saracen Police Stations .

Fife

8. As a consequence of the rationalisation of the custody facilities, three police stations are being removed from the list of prescribed police stations in the Fife police area. One station from each Division is removed where the custody facilities are being removed, namely St. Andrews Police Station, Levenmouth Police Station, and Dalgety Bay Police Station. There are other stations in the Fife police area, which are near to St Andrews, Levenmouth and Dalgety Bay which have adequate resources to deal with the increased visits to those stations as a consequence of the removal of these stations. This will leave at least one station in each territorial Division in Fife with facilities for the purposes of notification which means that offenders will not have to travel large distances.

Consultation

9. The Association of Chief Police Officers in Scotland was consulted on the 2004 Regulations and the Police provided us with details of the above changes, enabling us to draft the Amendment Regulations.

Financial effects

10. The Regulations have no financial effects on the Scottish Executive's program expenditure.

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