

POLICY NOTE

THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS) (SCOTLAND) REGULATIONS 2017

SSI 2017/285

1. The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2017 (“the 2017 Regulations”) are made in exercise of the power conferred by section 87(1) (a) of the Sexual Offences Act 2003 (“the 2003 Act”). The 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 civil preventative order (e.g. sexual offences prevention orders 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 which is prescribed for those purposes by regulations. 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.

4. The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2014 (SSI No. 147, “the 2014 Regulations”) prescribed a list of police stations across Scotland at which a sex offender can attend to notify the police of their details. The 2014 Regulations came into force on 28 June 2014. The 2014 Regulations were subsequently amended by the Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Amendment Regulations 2016 (SSI 2016/187), which came into force on 1 July 2016 and corrected typographical errors, changed addresses within the same town, or added new prescribed police stations.

5. However when the Scottish Parliament’s Delegated Powers and Law Reform and Justice Committees considered the 2016 Amendment Regulations they both noted the fact that these amendment Regulations contained a number of errors (when compared with the details held by the Royal Mail), relative to some of the police stations post codes. An undertaking was given by the Cabinet Secretary for Justice to correct these errors following consultation with Police Scotland.

6. Police Scotland has now checked the Police Gazetteer (this is the mapping and address system on the force’s command and control systems) alongside the details held by the Royal Mail.

7. The Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2017 therefore revoke the 2014 Regulations and its subsequent amendments, and provide a new list of prescribed police stations incorporating all of the various changes and corrections that have occurred since 2014.

8. The 2017 Regulations provide the same number of prescribed police stations as previously listed (i.e. 89). Police Scotland are content that the revised list is accurate and 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.

Consultation

9. The Scottish Government has liaised with Police Scotland's National Offender Management Unit, which provides governance, audit and compliance in respect of all areas of offender management, so that an accurate and up-to-date list of prescribed police stations could be established.

Impact Assessments

10. The impact of the 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.

Financial effects

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

Ian Fleming
Scottish Government
Safer Communities Division
September 2017