

EXPLANATORY MEMORANDUM TO
THE SEXUAL OFFENCES ACT 2003 (PRESCRIBED POLICE STATIONS)
(ENGLAND AND WALES) REGULATIONS 2018

2018 No. 447

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 To prescribe the police stations in England and Wales at which notification requirements imposed on sex offenders under the Sexual Offences Act 2003 can be discharged.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Other matters of interest to the House of Commons

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

- 4.1 Part 2 of the Sexual Offences Act 2003 imposes notification requirements on persons convicted of offences specified in Schedule 3 to that Act and on certain other categories of person. Section 87(1) provides that notification is given by attending at a prescribed police station in a person's local police area.

5. Extent and Territorial Application

- 5.1 The extent of this instrument is England and Wales.
5.2 The territorial application of this instrument is England and Wales

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

- 7.1 Individuals convicted or cautioned in relation to a sexual offence, listed in Schedule 3 to the Sexual Offences Act 2003, become subject to the notification requirements (commonly referred to as the 'Sex Offenders Register').

- 7.2 While subject to the notification requirements, sex offenders have to notify certain details to the police. Section 83(5) lists these details, which include name, address, date of birth and national insurance number.
- 7.3 Section 87(1) of the 2003 Act outlines that notification is given by attending a police station in a sex offender's local area which is prescribed in regulations, and by giving an oral notification to a police officer or person authorised for the purpose by the officer in charge of the station.
- 7.4 These Regulations are necessary to update the previous set of Regulations by reflecting that some police stations have closed, and others need to be added as newly prescribed stations. The ability to update the list of prescribed police stations allows the numbers of sex offenders notifying to a police station to be managed, ensures a reasonable geographic spread and avoids sex offenders attending premises which are no longer a police station in order to notify.
- 7.5 The Home Office was alerted that in Blackpool one prescribed police station would be closing and two new stations would be opening, after the current Regulations were due to come into force.
- 7.6 Consequently Blackpool Police Station will cease to be prescribed from 30 November 2018, and Blackpool Town Centre Police Station and West Divisional HQ will be prescribed with effect from 1 July 2018.

Consolidation

- 7.7 This instrument revokes and replaces an existing instrument so the issue of consolidation does not arise.

8. Consultation outcome

- 8.1 Consultation has taken place with the National Policing Lead for the Management of Sexual Offenders and Violent Offenders in drawing up the revised list of police stations prescribed in these Regulations.

9. Guidance

- 9.1 No guidance is given on this instrument.

10. Impact

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 The Department will review and update the Regulations as and when necessary in consultation with the police.

13. Contact

- 13.1 Nick Ormiston at the Home Office (telephone: 0207 035 3251, email: nick.ormiston@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.