



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 10

#### MANAGEMENT OF OFFENDERS

### CHAPTER 3

#### MANAGEMENT OF SEX OFFENDERS

##### *Notification requirements*

#### **170 Notification orders: Scotland**

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 97 (notification orders: applications and grounds)—
  - (a) in subsection (1), in the words before paragraph (a)—
    - (i) for the words from “A chief officer of police” to “police area” substitute “The chief constable of the Police Service of Scotland (“the chief constable”) may by application to any sheriff”, and
    - (ii) omit “(“the defendant””,
  - (b) in subsection (1)(a)—
    - (i) for “him” substitute “the chief constable”, and
    - (ii) for “defendant” substitute “person”,
  - (c) in subsection (1)(b)—
    - (i) for “defendant”, in both places it occurs, substitute “person”,
    - (ii) for “his police area”, in both places it occurs, substitute “Scotland”, and
    - (iii) for “chief officer” substitute “chief constable”,

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 170. (See end of Document for details)

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(d) in subsection (2)—

(i) for “he”, in each place it occurs, substitute “the person”, and

(ii) in paragraph (c), for “him” substitute “the person”,

(e) in subsection (5) for “court” substitute “sheriff”, and

(f) after subsection (5) insert—

“(5A) A record of evidence must be kept on any application for an order under this section.

(5B) The clerk of the court by which a notification order under this section is made must cause a copy of the order as so made to be—

(a) given to the person named in the order,

(b) sent to the person by registered post, or

(c) sent to the person by the recorded delivery service,

and where a copy of the order is so sent to the person, an acknowledgement or certificate of delivery issued by the Post Office is sufficient evidence of the delivery of the copy on the day specified in the acknowledgement or certificate.”

(3) In section 98 (notification orders: effect)—

(a) in subsections (1)(a) and (3)(a) and (c) for “defendant” substitute “person in respect of whom the order has effect”, and

(b) in subsection (1)(b) for “defendant” substitute “person”.

(4) In section 99 (sections 97 and 98: relevant offences), in subsections (3) and (4), for “defendant” substitute “person in respect of whom the order is sought”.

(5) In section 100 (interim notification orders)—

(a) in subsection (2)—

(i) in paragraph (a), omit “the complaint containing”, and

(ii) in paragraph (b), for “by complaint to the court to which that application has been made” substitute “by further application to the sheriff to whom the main application has been made”,

(b) in subsection (5)—

(i) in paragraph (a), for “defendant” substitute “person in respect of whom the order has effect”, and

(ii) in paragraph (b), for “defendant” substitute “person”,

(c) in subsection (7)—

(i) for “defendant” substitute “person in respect of whom the order has effect”, and

(ii) for “complaint” substitute “application”, and

(d) after subsection (7) insert—

“(7A) A record of evidence must be kept on any application for an order under this section.

(7B) The clerk of the court by which an interim notification order is made, varied, renewed or discharged under this section must cause a copy of, as the case may be—

(a) the order as so made, varied or renewed, or

(b) the interlocutor by which discharge is effected,

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to be given to the person named in the order or to be sent to the person in accordance with subsection (7C).

(7C) A copy of the order may be sent to the person named in the order—

- (a) by registered post, or
- (b) by the recorded delivery service,

and where a copy of the order is so sent to the person, an acknowledgement or certificate of delivery issued by the Post Office is sufficient evidence of the delivery of the copy on the day specified in the acknowledgement or certificate.”

(6) Omit sections 101 (notification orders and interim notification orders: appeals in England and Wales) and 103 (sections 97 to 100: Scotland).

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#### Commencement Information

- I1** S. 170 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [S. 170](#) in force at 29.11.2022 by [S.I. 2022/1227](#), [reg. 3\(c\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 170.