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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 216**

**CRIMINAL LAW**

**The Sexual Offences Act 2003 (Notification Requirements) (Scotland) Regulations 2013**

*Made - - - - 21st June 2013  
Coming into force in accordance with regulation 1(2)  
and (3)*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 85(5)(a), 86 and 138(4)(b) of the Sexual Offences Act 2003<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 138(2) of that Act<sup>(2)</sup>, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Regulations 2013.

(2) These Regulations, except regulation 2, come into force on the day after the day on which they are made.

(3) Regulation 2 comes into force on the day on which section 102(1) and (2) (sex offender notification requirements) of the Criminal Justice and Licensing (Scotland) Act 2010<sup>(3)</sup> comes fully into force.

(4) These Regulations extend to Scotland only.

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(1) [2003 c.42](#) (“the 2003 Act”). Section 85(5) was inserted by section 102(2)(c) of the Criminal Justice and Licensing (Scotland) Act 2010 ([asp 13](#)) (“the 2010 Act”). Section 86 was amended by section 102(3) of the 2010 Act. Section 138(4) was inserted by section 102(6)(b) of the 2010 Act. The functions of the Secretary of State, in or as regards Scotland, were transferred to the Scottish Ministers by virtue of section 142(6) of the 2003 Act and section 53 of the Scotland Act 1998 ([c.46](#)).

(2) Section 138(2) has been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)) and was relevantly amended by section 102(6)(a) of the Criminal Justice and Licensing (Scotland) Act 2010.

(3) [2010 asp 13](#). Section 102(1) and (2) came partially into force, for specific purposes only, on 28th March 2011 by virtue of article 2 of the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 8, Transitional and Savings Provisions) Order 2011 ([S.S.I. 2011/178](#)).

### **Periodic notification requirement for relevant offenders who have no sole or main residence in the United Kingdom**

2. For the purpose of section 85(5)(a) of the Sexual Offences Act 2003, the applicable period is seven days.

### **Amendment of the Sexual Offences Act 2003 (Travel Notification Requirements) (Scotland) Regulations 2004**

3.—(1) The Sexual Offences Act 2003 (Travel Notification Requirements) (Scotland) Regulations 2004(4) are amended as follows.

(2) In regulation 5 (notification to be given before leaving the United Kingdom)—

- (a) in paragraph (1), omit “for a period of three days or longer”; and
- (b) in paragraph (3), for “24” substitute “12”.

(3) In regulation 6 (other information to be disclosed in a notification under section 86(2))—

(a) after paragraph (b), insert—

“(ba) the dates on which that offender intends to be in each country to which that offender intends to travel;”;

(b) in paragraph (c), for “for that offender’s first night outside the United Kingdom” substitute “in each country to which that offender intends to travel”.

(4) For paragraph (2) of regulation 7 (change to information disclosed in a notification under section 86(2)), substitute—

“(2) A further notification under paragraph (1)—

- (a) must be given not less than 12 hours before the relevant offender’s intended departure from the United Kingdom; and
- (b) may be given less than 24 hours (but not less than 12 hours) before the relevant offender’s intended departure from the United Kingdom, only if that offender has a reasonable excuse for being unable to give such notification before that time.”.

### **Transitional provision: travel notification requirements**

4.—(1) Paragraph (2) applies where a relevant offender intends to leave the United Kingdom for a period of less than three days and that offender’s intended date of departure is on or before the eighth day after the day on which regulation 3 comes into force.

(2) Where this paragraph applies, the relevant offender is not required to give notification in accordance with regulation 5(1) of the Sexual Offences Act 2003 (Travel Notification Requirements) (Scotland) Regulations 2004, as amended by these Regulations.

St Andrew’s House, Edinburgh  
21st June 2013

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