

Criminal Justice Committee  
Wednesday 26 November 2025  
32nd Meeting, 2025 (Session 6)

## **Note by the Clerk on the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025 [draft]**

### **Overview**

1. At this meeting, the Committee will take evidence from the Cabinet Secretary for Justice and Home Affairs and officials on the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025 [draft] before debating a motion in the name of the Cabinet Secretary inviting the Committee to recommend approval of the instrument.
2. This is a draft Scottish Statutory Instrument (SSI), which requires approval by resolution of the Parliament before it can become law. More information about the instrument is summarised below:

**Title of instrument:** [The Sexual Offences Act 2003 \(Notification Requirements\) \(Scotland\) Amendment Regulations 2025](#)

**Laid under:** sections 83(5)(i) and 84(1) of the [Sexual Offences Act 2003](#)

**Laid on:** 7 October 2025

**Procedure:** Affirmative

**Lead committee to report by:** 1 December 2025

**Commencement:** 21 February 2026

### **Procedure**

3. Under the affirmative procedure, an instrument must be laid in draft and cannot be made (or come into force) unless it is approved by resolution of the Parliament.
4. Once laid, the instrument is referred to:
  - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
  - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. The lead committee, taking account of any recommendations made by the DPLR Committee (or any other committee), must report within 40 days of the instrument being laid.

6. The normal practice is to have two agenda items when an affirmative instrument is considered by the lead committee:
  - an evidence session with the Minister and officials, followed by
  - a formal debate on a motion, lodged by the Minister, inviting the lead committee to recommend approval of the instrument.
7. Only MSPs may participate in the debate, which may not last for more than 90 minutes. If there is a division on the motion, only committee members may vote. If the motion is agreed to, it is for the Chamber to decide, at a later date, whether to approve the instrument

## **Delegated Powers and Law Reform Committee consideration**

8. The DPLR Committee considered the instrument on 28 October 2025 and reported on it in its [76th Report, 2025](#). The DPLR Committee made no recommendations in relation to the instrument.

## **Purpose of the instrument**

9. Registered sex offenders living in the community are required by Part 2 of the Sexual Offences Act 2003 to make initial notifications to the police and to update these notifications.
10. Where an offender makes an initial notification to the police, this instrument will require them to include information on any application for a gender recognition certificate (“GRC”) or on obtaining a full GRC.
11. Where after their initial notification to the police, an offender makes an application for a GRC or is issued with a full GRC the offender will be required to notify this to the police as a change of circumstances.
12. Under the notification requirements, a registered sex offender is already required to notify the police of a wide range of details including the offender’s date of birth; their National Insurance number; their name and any changes of name; their address; and information on any passport they hold. The information on any application for gender recognition or on the issue of any full GRC will add to this existing information.
13. The Policy Note accompanying the instrument is included in the **Annexe**. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

## **Report**

14. Following today’s proceedings, a draft report will be prepared by the clerks.

- 15. The Committee is invited to delegate to the Convener and clerks responsibility for drafting a report and finalising it for publication.**

**Clerks to the Committee  
November 2025**

## **Annexe: Scottish Government Policy Note**

# **The Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025**

## **SSI 2025/XXX**

The above instrument is made in exercise of the powers conferred by sections 83(5)(i) and 84(1) of the Sexual Offences Act 2003. The instrument is subject to the affirmative procedure.

### **Summary Box**

Registered sex offenders are already required to notify certain matters to the police. This instrument will add a requirement to notify the police if the offender applies for a gender recognition certificate or receives a full gender recognition certificate.

### **Policy Objectives**

Registered sex offenders living in the community are required by Part 2 of the Sexual Offences Act 2003 to make initial notifications to the police and to update these notifications when required.

Where an offender makes an initial notification to the police, this instrument will require them to include information on any application for a gender recognition certificate (“GRC”) or on obtaining a full GRC.

Where after their initial notification to the police, an offender makes an application for a GRC or is issued with a full GRC the offender will be required to notify this to the police as a change of circumstances.

The policy aim of the notification requirements generally is to help the police manage registered sex offenders in the community. Under the notification requirements, a registered sex offender is already required to notify the police of a wide range of details including the offender’s date of birth; their National Insurance number; their name and any changes of name; their address; and information on any passport they hold. The information on any application for gender recognition or on the issue of any full GRC will add to this existing information.

Assuming the Regulations are approved by Parliament and come into force, they will be useful in establishing an individual’s identity which is a key part of offender management.

## **UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility**

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

## **EU Alignment Consideration**

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

## **Consultation**

There has been no public consultation on this instrument although whilst preparing it the Scottish Government has engaged with Police Scotland, the Gender Recognition Panel and Scottish Trans.

During the passage of the Gender Recognition Reform (Scotland) Bill, Ministers indicated they would introduce regulations to amend the sex offender notification requirements so that people who are on the register are required to notify the police with details if they apply for legal gender recognition.

## **Impact Assessments**

A [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#) and an [Equality Impact Assessment \(EQIA\)](#) have been prepared.

## **Financial Effects**

The financial implications are low as this is building on existing notification requirements.

The Cabinet Secretary for Justice and Home Affairs confirms that no Business and Regulatory Impact Assessment (BRIA) is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government  
Justice Directorate  
October 2025