

Our Ref: IM-FOI-2022-2092
Date: 31 October 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

SOR and VISOR registers

How many people are currently on the registers?

Protecting the public is a top priority for Police Scotland. In Scotland Multi Agency Public Protection Arrangements (MAPPA), provides a comprehensive response to a complex issue, using professional assessment and management to properly target resources at those who pose a risk to the public. Police Scotland works in partnership with a number of agencies through MAPPA to ensure that all Registered Sex Offenders are robustly managed within the community. While we can never eliminate risk entirely, we want to reassure communities that all reasonable steps are being taken to protect them.

The Violent & Sex Offender Register (ViSOR) is the UK database used to record information concerning the management of Registered Sex Offenders (RSO). What is commonly referred to as the Sex Offenders Register is actually the ViSOR database.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, Police Scotland, on a monthly basis, publish data regarding the number of Registered Sex Offenders in our communities, broken down by policing division and postcode area.

Please be advised that Registered Sex Offender (RSO) numbers, are publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

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I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”

The information you are seeking is available via the following link:

[Registered Sex Offender \(RSO\) Numbers - Police Scotland](#)

Is there a breakdown of gender and children?

The total figure includes 46 females and 8 offenders under the age of 18.

Since 2019 how many people have applied to be removed from the SOR? How many were successful

There is no mechanism in Scotland that allows RSO’s to apply to Police Scotland to be removed from ViSOR.

The application of the Notification Requirements, commonly referred to as Sex Offender Notification Requirements (SONR), is not a sentencing option for the court but an automatic consequence of conviction for a relevant sexual offence.

Any offender who has received a conviction or finding, in respect of a specified sexual offence under Schedule 3 of the Sexual Offences Act 2003, is automatically subject to the [Notification Requirements of Part 2 of the Sexual Offences Act 2003](#) and identified as a Registered Sex Offender (RSO).

The length of time a RSO is subject to the SONR is dictated by the sentence issued for that conviction and age at time of conviction.

The notification periods are dictated by [Section 82 of the Sexual Offences Act 2003](#) and are listed as follows:

Description of relevant offender	Notification period
A person who, in respect of the offence, is or has been sentenced to imprisonment for life, to imprisonment for public protection under section 225 of the Criminal Justice Act 2003, to an indeterminate custodial sentence under Article 13(4)(a) of the Criminal Justice (Northern Ireland) Order 2008 or to imprisonment for 30 months or more	An indefinite period beginning with the relevant date
A person who, in respect of the offence, has been made the subject of an order under section 210F(1) of the Criminal Procedure (Scotland) Act 1995 (order for lifelong restriction)	An indefinite period beginning with that date
A person who, in respect of the offence or finding, is or has been admitted to a hospital subject to a restriction order	An indefinite period beginning with that date

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A person who, in respect of the offence, is or has been sentenced to imprisonment for a term of more than 6 months but less than 30 months	10 years beginning with that date
A person who, in respect of the offence, is or has been sentenced to imprisonment for a term of 6 months or less	7 years beginning with that date
A person who, in respect of the offence or finding, is or has been admitted to a hospital without being subject to a restriction order	7 years beginning with that date
A person within section 80(1)(d) (Cautioned for an offence in England & Wales)	2 years beginning with that date
A person in whose case an order for conditional discharge or, in Scotland, a community payback order imposing an offender supervision requirement, is made in respect of the offence	The period of conditional discharge or, in Scotland, the specified period for the offender supervision requirement
A person of any other description (i.e. fine, Restriction of Liberty Order)	5 years beginning with the relevant date

Where an offender is under 18 at time of conviction, then the length of time they are subject to the SONR as described in Section 82 Sexual Offences Act 2003 is halved.

This does not apply to Community Payback Order Disposals.

RSOs are removed from the Register by virtue of:

- Their defined period on the Register expiring.
- Indefinite Review in respect of Sexual Offences Act 2003 (Remedial) (Scotland) Order.
- Successfully appealing conviction which placed them on the Register.
- Death

Should you require any further assistance please contact Information Management - Dundee quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

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As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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