| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-0168  Responded to: 12 February 2025 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

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.

**1. For the five years 2020-2024, can you please tell me how many sex offenders have been removed from the sex offenders register?**

**2. Can you break these figures down by each year**

To answer these questions, it is important to understand the legislation around Sex Offender Notification Requirements (SONR).  The application of 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).

There is one exception to this, where a Sheriff/Judge does have the ability to apply SONR and this is in respect of Paragraph 60, Schedule 3 Sexual Offences Act 2003.  To utilise this the Sheriff/Judge must decide whether there is a significant sexual aspect to the offenders behaviour in relation to an offence not listed within Schedule 3 of the Sexual Offences Act 2003.

The length of time a RSO is subject to SONR is dictated by the sentence issued for that conviction and their age at the time of conviction.  The notification periods are dictated by Section 82 of the Sexual Offences Act 20023 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 |
| 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 the relevant date, then the length of time they are subject to SONR as described in Section 82 Sexual Offences Act 2003 is halved.

It is also important to understand that an individual subject to a Sex Offender Order (SOO), Sexual Offences Prevention Order (SOPO) or Sexual Harm Prevention Order (SHPO) is subject to SONR, any offender who has been convicted of breaching a Risk of Sexual Harm Order (RSHO) or Sexual Risk Order (SRO) is subject to SONR and becomes a RSO as a result.  Finally, where an individual has been convicted of an offence in another country, which had they been convicted in the UK would have resulted in SONR, an application can be made to the courts for a Notification Order.  If granted, the individual to whom the order applies become subject to SONR and is monitored as a RSO in the same manner as if convicted in the UK.

The Violent & Sex Offender Register (ViSOR) is the UK wide database used to record information concerning the management and monitoring of RSO’s.  In Scotland, Police Scotland, manage the records of all RSO’s residing in Scotland.  There are a number of reasons why an offender may no longer be subject to SONR, some examples include the end of their notification period as outlined above, the end or early discharge of their Community Payback Order in Scotland, the end of their order, following assessment of their indefinite notification requirements or death.

On review of ViSOR, the below indicates the number of RSO records being managed by Police Scotland who became no longer subject to SONR during the relevant years.

2020 - 713

2021 - 666

2022 - 787

2023 - 826

2024 - 969

**3. Can you list the different offences that led to people being added to the register in first place i.e rape, incest or having indecent images?**

**4. Can you break down the number of people for each type of offence who were removed from the register.**

I estimate that it would cost in excess of the current FOI cost threshold of £600 to process your request.  I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

By way of explanation, although ViSOR does hold information of offending, the database is not a crime recording system and there is no easy way of accurately extracting this data without manually interrogating each record and cross checking with the Criminal History System.  As such, given the numbers involved it is an exercise which would exceed the cost limit set out in the Fees Regulations.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.