

2013 No. 214 (C. 15)

CRIMINAL LAW

**The Criminal Justice and Licensing (Scotland) Act 2010
(Commencement No. 11 and Saving Provision) Order 2013**

<i>Made</i> - - - -	<i>21st June 2013</i>
<i>Laid before the Scottish Parliament</i>	<i>24th June 2013</i>
<i>Coming into force</i> - -	<i>8th July 2013</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 201(1) and (2) and 206(1) of the Criminal Justice and Licensing (Scotland) Act 2010(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 11 and Saving Provision) Order 2013 and comes into force on 8th July 2013.

(2) In this Order—

“the 2003 Act” means the Sexual Offences Act 2003(b);

“the 2010 Act” means the Criminal Justice and Licensing (Scotland) Act 2010;

“home address” has the meaning given by section 83(7) of the 2003 Act;

“relevant offender” has the meaning given by section 80(2) of the 2003 Act.

Commencement of section 102(1) and (2) (sex offender notification requirements) of the 2010 Act

2. Section 102(1) and (2) of the 2010 Act, in so far as not already in force, comes into force on 8th July 2013.

Saving provision

3.—(1) Paragraph (2) applies where—

(a) a relevant offender has notified information to the police under section 83(1), 84(1) or 85(1) of the 2003 Act before 8th July 2013; and

(b) the last home address notified by the relevant offender was the address or location of such a place as is mentioned in section 83(7)(b) of the 2003 Act.

(a) 2010 asp 13.
(b) 2003 c.42.

(2) Despite article 2, the amendments made to section 85 (notification requirements: periodic notification) of the 2003 Act by section 102(2) of the 2010 Act are of no effect until the relevant offender first notifies under section 84(1) or 85(1) of the 2003 Act on or after 8th July 2013.

St Andrew's House,
Edinburgh
21st June 2013

KENNY MACASKILL
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 102(1) and (2) of Criminal Justice and Licensing (Scotland) Act 2010 (“the 2010 Act”), in so far as not already in force. It also makes a related saving provision.

Article 2 brings fully into force, on 8th July 2013, section 102(1) and (2) of the 2010 Act. Section 102(1) and (2) of the 2010 Act amends section 85 of the Sexual Offences Act 2003 (“the 2003 Act”), relating to sex offender notification requirements. The amendments make provision in relation to the applicable period within which certain sex offenders (“relevant offenders”) must periodically notify to the police specific personal information. They provide for a different period to be prescribed for relevant offenders who have no sole or main residence in the United Kingdom, as compared with those that do (and for whom the period continues to be one year). Section 102(1) and (2) of the 2010 Act was brought partially into force (for restricted purposes only) on 28th March 2011.

Article 3 makes a saving provision in relation to relevant offenders who, on 8th July 2013, have no sole or main residence in the United Kingdom. It applies where those offenders have notified to the police, before that date, their personal information (including the address or location of a place in the United Kingdom where they can regularly be found) under section 83(1) (initial notification requirement), 84(1) (requirement to notify changes) or 85(1) (periodic notification requirement) of the 2003 Act. The amendments which section 102(2) of the 2010 Act makes to section 85 of the 2003 Act do not apply to those offenders until they first notify under section 84(1) or 85(1) of the 2003 Act on or after 8th July 2013.

The Bill for the 2010 Act received Royal Assent on 6th August 2010. Sections 201, 202, 204, 205 and 206 of the 2010 Act came into force the following day.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2010 Act have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 14(1) (in part)	1st February 2011	2010/413
Section 14(1) (in so far as not already in force)	1st April 2011	2010/413
Section 14(2)	1st February 2011	2010/413
Section 15	28th March 2011	2011/178
Section 16	13th December 2010	2010/413
Section 17	1st February 2011	2010/413
Section 19	28th March 2011	2011/178
Sections 20 and 21	1st February 2011	2010/413
Section 22	28th March 2011	2011/178
Section 23	13th December 2010	2010/413
Section 24	28th March 2011	2011/178
Sections 25 and 26	13th December 2010	2010/413
Section 27	28th March 2011	2011/178
Sections 28 to 31	13th December 2010	2010/413

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 32 and 33	28th March 2011	2011/178
Section 34	13th December 2010	2010/413
Section 35	28th March 2011	2011/178
Section 36	28th March 2011	2011/178
Section 37	13th December 2010	2010/413
Section 38	6th October 2010	2010/339
Sections 39 to 41	13th December 2010	2010/413
Section 42	28th March 2011	2011/178
Sections 43 and 44	1st December 2010	2010/357
Section 45	13th December 2010	2010/413
Sections 46 to 53	28th March 2011	2011/178
Section 54	6th June 2011	2011/178
Section 55	28th March 2011	2011/178
Section 56	13th December 2010	2010/413
Sections 57 and 58	28th March 2011	2011/178
Sections 59 and 60	13th December 2010	2010/413
Sections 61 and 62	28th March 2011	2011/178
Section 63	1st December 2010	2010/357
Section 64	13th December 2010	2010/413
Sections 65 to 70	28th March 2011	2011/178
Section 71	13th December 2010	2010/413
Sections 72 to 76	28th March 2011	2011/178
Section 77(1) (in part)	28th March 2011	2011/178
Section 77(1) (in so far as not already in force)	1st August 2011	2011/178
Section 77(2)(a)	28th March 2011	2011/178
Section 77(2)(b) and (c)	1st August 2011	2011/178
Section 77(3)	28th March 2011	2011/178
Sections 78 and 79	28th March 2011	2011/178
Section 80 (in part)	13th December 2010	2010/413
Section 80 (in so far as not already in force)	15th April 2011	2011/178
Section 81	28th March 2011	2011/178
Section 82	1st August 2011	2011/178
Section 83	5th November 2010	2010/385
Section 84	28th March 2011	2011/178
Section 85	6th June 2011	2011/178
Sections 86 to 91	28th March 2011	2011/178
Section 93	13th December 2010	2010/413

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 94 to 96	10th January 2011	2010/413
Section 97	6th October 2010	2010/339
Section 99	13th December 2010	2010/413
Section 100	1st November 2011	2011/354
Section 101	13th December 2010	2010/413
Section 102(1) (in part), (2) (in part) and (3) to (6)	28th March 2011	2011/178
Section 103	1st November 2011	2011/354
Sections 104 and 105	13th December 2010	2010/413
Sections 106 and 107	28th March 2011	2011/178
Section 108(1) (in part) and (4)	12th October 2010	2010/344
Section 108 (in so far as not already in force)	28th February 2011	2011/157
Section 109	1st November 2011	2011/354
Section 110	1st November 2011	2011/354
Sections 111 to 114	13th December 2010	2010/413
Section 115	28th March 2011	2011/178
Sections 116 to 167	6th June 2011	2011/178
Sections 168 to 171	25th June 2012	2012/160
Section 172(1) to (3), (4)(a), (5) and (6)	28th March 2011	2011/178
Section 173	13th December 2010	2010/413
Section 174	1st November 2011	2011/354
Section 175	28th March 2011	2011/178
Section 176	1st April 2012	2011/178
Section 177	1st October 2012	2011/178
Section 178(3)(e)	16th August 2010	2010/297
Section 178 (in so far as not already in force)	28th February 2011	2010/413
Sections 180 and 181	13th December 2010	2010/413
Section 182	28th February 2011	2010/413
Section 183	13th December 2010	2010/413
Section 184(1), (2) (in part) and (3) (in part)	13th December 2010	2010/413
Section 184 (in so far as not already in force)	1st November 2011	2011/354
Section 185	13th December 2010	2010/413
Section 186	28th March 2011	2011/178
Section 187	13th December 2010	2010/413
Section 188(1)	13th December 2010	2010/413
Section 188(2)	28th March 2011	2011/178
Section 188(3)	13th December 2010	2010/413
Sections 189 and 190	1st October 2011	2011/178

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 191	28th March 2011	2011/178
Sections 192 to 194	13th December 2010	2010/413
Section 195(1), (2) and (3) (in part)	13th December 2010	2010/413
Section 195 (in so far as not already in force)	1st November 2011	2011/354
Section 196	13th December 2010	2010/413
Sections 198 and 199	13th December 2010	2010/413
Section 203	28th March 2011	2011/178
Schedule 2 (with the exception of paragraph 38)	1st February 2011	2010/413
Schedule 2, paragraph 38	The day that section 25(2) of the Welfare Reform Act 2009 (c.24) (jobseekers allowance: sanctions for violent conduct etc. in connection with claim) comes into force	2010/413
Schedule 4 (with the exception of paragraph 12)	13th December 2010	2010/413
Schedule 5	28th March 2011	2011/178
Schedule 6 (with the exception of paragraphs 2, 9, 10 and 17)	13th December 2010	2010/413
Schedule 6, paragraphs 2, 9, 10 and 17	1st November 2011	2011/354
Schedule 7, paragraphs—		
1 to 3	28th March 2011	2011/178
4 and 5	13th December 2010	2010/413
6	28th March 2011	2011/178
7	1st November 2011	2011/354
8	25th June 2012	2012/160
9 and 10	1st November 2011	2011/354
11 and 12	28th March 2011	2011/178
13	13th December 2010	2010/413
14 and 15	28th March 2011	2011/178
16	25th June 2012	2012/160
17 to 25	28th March 2011	2011/178
27 to 31	28th March 2011	2011/178
32	25th June 2012	2012/160
33	1st August 2011	2011/178
34 to 36	28th March 2011	2011/178
37 to 43	25th June 2012	2012/160
44 and 45	28th March 2011	2011/178

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
46	25th June 2012	2012/160
47	28th March 2011	2011/178
48	10th January 2011	2010/413
49	13th December 2010	2010/413
50	28th March 2011	2011/178
51	25th June 2012	2012/160
52 to 56	28th March 2011	2011/178
57 and 58	25th June 2012	2012/160
59 to 61	28th March 2011	2011/178
62	25th June 2012	2012/160
63 to 65	28th March 2011	2011/178
66	25th June 2012	2012/160
67 to 69	28th March 2011	2011/178
71	25th June 2012	2012/160
72	28th March 2011	2011/178
73	25th June 2012	2012/160
74	28th March 2011	2011/178
75 and 76	25th June 2012	2012/160
77 to 83	28th March 2011	2011/178
84 and 85	25th June 2012	2012/160
86	13th December 2010	2010/413
87	25th June 2012	2012/160

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