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Criminal Justice Committee

Report on the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025 [draft]



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Criminal Justice Committee

To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

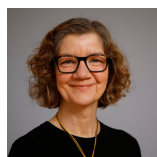


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Introduction

1. At its meeting on 26 November 2025, the Criminal Justice Committee considered the following affirmative instrument:
 - [The Sexual Offences Act 2003 \(Notification Requirements\) \(Scotland\) Amendment Regulations 2025 \[draft\]](#)

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

2. The Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025 [draft] were laid before the Scottish Parliament on 7 October 2025 and referred to the Criminal Justice Committee.
3. 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.
4. 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.
5. 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.
6. 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.
7. Scottish Trans provided a written submission to the Committee in relation to the instrument. This can be found in the annexe to this report.

Consideration by the Delegated Powers and Law Reform Committee

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.

Consideration by the Criminal Justice Committee

9. Motion S6M-19301 was lodged proposing that the Committee recommends approval of the instrument. The Committee took oral evidence from Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs and Scottish Government officials at its meeting on 26 November 2025.
10. During the evidence session, the Cabinet Secretary outlined the purpose of the Regulations to the Committee.
11. In response to questions from Members, the Cabinet Secretary confirmed that registered sex offenders would not be required to notify the police if they already had a GRC prior to the date of their conviction. However, they would be required to notify the police if an application for a GRC was still outstanding at the date of conviction or upon the issue of a full GRC.
12. Following the evidence session, the Cabinet Secretary moved the motion:
 - S6M-19301 —That the Criminal Justice Committee recommends that the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025 [draft] be approved.
13. **The Criminal Justice Committee recommends to the Scottish Parliament that it approve the Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025 [draft].**

Annexe

Written submission from Vic Valentine, Scottish Trans

Dear Audrey,

I'm getting in touch in advance of Wednesday's Criminal Justice Committee's consideration of the "Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025".

I wanted to share our organisation's view that requiring people on the sex offenders register to notify Police Scotland of their application for, or obtaining, of a Gender Recognition Certificate is a reasonable and appropriate course of action for ensuring that Police Scotland has accurate information about people on the sex offenders register. It is in-line with other types of information that people on the sex offenders register are required to provide to Police Scotland, such as about current and previous names.

I would very much appreciate if Members could challenge any unacceptable conflation between all trans people, and people on the sex offenders register, during discussion of the draft regulations during Wednesday's committee session. Any such conflation is of course deeply inaccurate, offensive and harmful to trans people – but is unfortunately a conflation that we see during parliamentary debates and discussions on these issues.

