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PRESS RELEASE

No: 644/2012

Date: 8th October 2012

GSD GET IT WRONG ON SEX OFFENDERS REGISTER

The Government regrets the unnecessary public alarm caused by the GSD's irresponsible comments on the sex offenders register. The Government is satisfied that there is no particular risk to public safety in Gibraltar caused by amendments made to the Crimes Act.

It is particularly regrettable that the GSD has caused public alarm by putting out false information.

The GSD has alleged that, as a result of these amendments, persons who have committed sex offences abroad before the commencement of the Act will not be subject to the provisions relating to the sex offenders register. That is a false statement.

There have been no amendments made by the Government to the sections which relate to sexual offences committed abroad. The Government is therefore satisfied, and has received legal advice to this effect, that persons who have committed sexual offences abroad before the commencement of the Crimes Act are capable of being entered in the Gibraltar sex offenders register. Retrospection, therefore, does apply to such persons.

The Government notes that Mr Feetham, who was the architect of these provisions and introduced them in Parliament, does not appear to understand, or has chosen to ignore, how these provisions operate.

Retrospection also applies to persons who have committed sexual offences in Gibraltar and are serving a sentence of imprisonment at the time of commencement of the legislation.

The amendments made by the Government to the Crimes Act affect other persons who have been dealt with by the criminal justice system in Gibraltar before the commencement of the Act. In making these amendments, the Government has acted on the advice of the Royal Gibraltar Police.

The sex offenders register will not, under the provisions enacted by the GSD, be a public document. However, the RGP already have records of persons convicted in the past of

sexual offences. Those persons are subject to existing vetting procedures when applying for a job.

It is also worth recalling that when the sex offenders register was introduced in the UK for the first time in 1997, this did not have retrospective effect. Section 1 of the UK's Sex Offenders Act 1997 expressly states that the notification provisions only apply "after the commencement of [the Act]". The Government's amendments are in line with the introduction of the same provisions in the UK.

It is the height of political hypocrisy and opportunism for the GSD now to pretend to be concerned about public safety in this area. The UK provisions were introduced in 1997. The GSD was in Government then and for the following 14 years. They failed to introduce a sex offenders' register during this period.

Mr Feetham was elected in 2007 and acted as Minister for Justice for 4 years. He was clearly not sufficiently concerned about public safety when he failed to introduce a sex offenders' register in this period. The Crimes Act was passed by Parliament in July 2011 when the GSD was in Government. Mr Feetham had until 8 December 2011 to commence these provisions. He failed to do so. Even if this was not feasible, Mr Feetham could have brought in and commenced a short, self-standing piece of legislation for a sex offenders' register in the same way as the UK did in 1997. He failed to do so.

It is clear that the comments of the GSD are not motivated by any concern for public safety. They are attempting to make political capital in a wholly irresponsible and unacceptable manner. Further, to cause public alarm by putting out false information is wholly reprehensible.