



Criminal Justice and Courts Services Act 2000

2000 CHAPTER 43

PART III

DEALING WITH OFFENDERS

CHAPTER II

MISCELLANEOUS

Sexual or violent offenders

66 Amendments of the Sex Offenders Act 1997

Schedule 5 (which amends the Sex Offenders Act 1997 in respect of persons who are subject to the notification requirements of that Act to make provision, in particular, for—

- (a) altering the requirements,
- (b) increasing penalties,
- (c) enabling courts to make restraining orders, and
- (d) improving the information held about such persons),

is to have effect.

67 Arrangements for assessing etc. risks posed by certain offenders

(1) In this section—

“relevant sexual or violent offender” has the meaning given by section 68,
and

“responsible authority”, in relation to any area, means the chief officer of
police and the local probation board for that area acting jointly.

Status: This is the original version (as it was originally enacted).

- (2) The responsible authority for each area must establish arrangements for the purpose of assessing and managing the risks posed in that area by—
 - (a) relevant sexual or violent offenders, and
 - (b) other persons who, by reason of offences committed by them (wherever committed), are considered by the responsible authority to be persons who may cause serious harm to the public.
- (3) The responsible authority for each area must keep the arrangements established by it under review with a view to monitoring their effectiveness and making any changes to them that appear necessary or expedient.
- (4) As soon as practicable after the end of the period of 12 months beginning with the coming into force of this section and each subsequent period of 12 months, the responsible authority for each area must—
 - (a) prepare a report on the discharge by it during that period of the functions conferred by this section, and
 - (b) publish the report in that area.
- (5) The report must include—
 - (a) details of the arrangements established by the responsible authority, and
 - (b) information of such descriptions as the Secretary of State has notified to the responsible authority that he wishes to be included in the report.
- (6) The Secretary of State may issue guidance to responsible authorities on the discharge of the functions conferred by this section.

68 Section 67: interpretation

- (1) For the purposes of section 67, a person is a relevant sexual or violent offender if he falls within one or more of subsections (2) to (5).
- (2) A person falls within this subsection if he is subject to the notification requirements of Part I of the Sex Offenders Act 1997.
- (3) A person falls within this subsection if—
 - (a) he is convicted by a court in England or Wales of a sexual or violent offence (within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000), and
 - (b) one of the following sentences is imposed on him in respect of the conviction—
 - (i) a sentence of imprisonment for a term of 12 months or more,
 - (ii) a sentence of detention in a young offender institution for a term of 12 months or more,
 - (iii) a sentence of detention during Her Majesty's pleasure,
 - (iv) a sentence of detention for a period of 12 months or more under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences),
 - (v) a detention and training order for a term of 12 months or more, or
 - (vi) a hospital or guardianship order within the meaning of the Mental Health Act 1983.
- (4) A person falls within this subsection if—

- (a) he is found not guilty by a court in England or Wales of a sexual or violent offence (within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000) by reason of insanity or to be under a disability and to have done the act charged against him in respect of such an offence, and
 - (b) one of the following orders is made in respect of the act charged against him as the offence—
 - (i) an order that he be admitted to hospital, or
 - (ii) a guardianship order within the meaning of the Mental Health Act 1983.
- (5) A person falls within this subsection if the first condition set out in section 28(2) or 29(2) or the second condition set out in section 28(3) or 29(3) is satisfied in his case.
- (6) In this section “court” does not include a court-martial or the Courts-Martial Appeal Court.

69 Duties of local probation boards in connection with victims of certain offences

- (1) This section applies in a case where a court—
 - (a) convicts an offender of a sexual or violent offence, and
 - (b) imposes a relevant sentence on him in respect of that conviction.
- (2) In cases where this section applies, the local probation board for the area in which the offender is sentenced must take all reasonable steps to ascertain whether any appropriate person wishes to—
 - (a) make representations about whether the offender should be subject to any conditions or requirements on his release and, if so, what conditions or requirements, or
 - (b) receive information about any conditions or requirements to which the offender is to be subject on his release.
- (3) In this section, “appropriate person”, in relation to an offence, means any person who appears to the local probation board in question to be, or to act for, the victim of the offence (“the victim”).
- (4) Where it is ascertained that an appropriate person wishes to make representations in accordance with paragraph (a) of subsection (2), the relevant local probation board must forward those representations to the person responsible for determining the matters mentioned in that paragraph.
- (5) Where it is ascertained that an appropriate person wishes to receive information in accordance with subsection (2)(b), the relevant local probation board must take all reasonable steps—
 - (a) to inform that person whether or not the offender is to be subject to any conditions or requirements on his release,
 - (b) if the offender is to be subject to any such conditions or requirements, to provide that person with details of any conditions or requirements which relate to contact with the victim or his family, and
 - (c) to provide that person with such other information as is considered by that local probation board to be appropriate in all the circumstances of the case.
- (6) For the purposes of subsections (4) and (5), “relevant local probation board” means—

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- (a) where the offender is to be supervised on release by an officer of a local probation board, that local probation board,
 - (b) in any other case, the local probation board for the area in which the prison or other place of detention from which the offender is to be released is situated.
- (7) In this section—
 - “conditions” means conditions in a licence,
 - “court” does not include a court-martial or the Courts-Martial Appeal Court,
 - “relevant sentence” means—
 - (a) a sentence of imprisonment for a term of 12 months or more,
 - (b) a sentence of detention in a young offender institution for a term of 12 months or more,
 - (c) a sentence of detention during Her Majesty’s pleasure,
 - (d) a sentence of detention for a period of 12 months or more under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences), or
 - (e) a detention and training order for a term of 12 months or more,
 - “requirements” means requirements specified in a notice under section 65(5) of the Criminal Justice Act 1991 (requirements imposed in connection with supervision of young offenders after release).
- (8) An offence is a sexual or violent offence for the purposes of this section if it is—
 - (a) a sexual or violent offence within the meaning of the Powers of Criminal Courts (Sentencing) Act 2000,
 - (b) an offence in respect of which the offender is subject to the notification requirements of Part I of the Sex Offenders Act 1997, or
 - (c) an offence against a child within the meaning of Part II of this Act.
- (9) This section has effect in relation to cases where the relevant sentence is imposed after the section comes into force.