

SEXUAL OFFENCES ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Notification and Orders

Section 85: Notification requirements: periodic notification

169. **Section 85** provides (at *subsection (1)*) that an offender must re-notify the police of the details set out in *subsection (5)* of section 83 within one year after each of the specified events, unless during this period he re-notifies, because of a change of circumstances, under section 84.
170. The specified events are:
- the commencement of this Part of the Act;
 - any notification the offender has given under *subsection (1)* of section 83 or 85; and
 - any earlier notification the offender has given under *subsection (1)*.
171. Commencement will only be a trigger for this periodic notification requirement where a person is exempt from complying with *subsection (1)* of section 83 by reason of *subsection (2), (3) or (4)* of section 83 (i.e., where the person has complied with an earlier initial notification requirement).
172. This means that where a person becomes subject to the notification requirements for the first time and does not change his name or address and does not stay away from home for 7 days or more, he will have to re-notify within a year of his initial notification and annually thereafter. Where a person does notify his having stayed away from home for 7 days, for example, he will have to re-notify the police of the information set out in *subsection (5)* of section 83 within a year of giving the notification of having stayed away from home. And, if within that year he notifies another period spent away from home, or a change of name or address, the re-notification of the details set out in section 83(5) will be put back to a year after that latter notification.
173. *Subsection (3)* provides that where a relevant offender is detained or abroad in the ways provided at *subsection (4)* at the time the periodic notification requirement falls due, the person may give that notification up to 3 days after he is released from the detention specified in *subsection (4)* or returns to the UK.