Changes to legislation: *Sexual Offences Act 2003, Paragraph 3 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

[F1SCHEDULE 3A

REVIEW OF INDEFINITE NOTIFICATION REQUIREMENTS

Textual Amendments

F1 Sch. 3A inserted (N.I.) (1.3.2014) by Criminal Justice Act (Northern Ireland) 2013 (c. 7), ss. 1(3), 15(2)(a), **Sch. 1**; S.R. 2014/53, art. 2

Initial review: determination of application

3 (1) On an application under paragraph 2 the Chief Constable shall discharge the notification requirements unless the Chief Constable is satisfied—

(a) that the offender poses a risk of sexual harm; and

(b) that the risk is such as to justify the notification requirements continuing in the interests of the prevention or investigation of crime or the protection of the public.

(2) In deciding whether that is the case, the Chief Constable must take into account—

(a) the seriousness of the offence or offences—

(i) of which the offender was convicted,

(ii) of which the offender was found not guilty by reason of insanity,

(iii) in respect of which the offender was found to be under a disability and to have done the act charged, or

(iv) in respect of which (being relevant offences within the meaning of section 99) the notification order was made,

and which made the offender subject to the notification requirements for an indefinite period;

(b) the period of time which has elapsed since the offender committed the offence or offences;

(c) whether the offender has committed any offence under section 3 of the Sex Offenders Act 1997 or under section 91 of this Act;

(d) the age of the offender at the time of the decision;

(e) the age of the offender at the time any offence referred to in sub-paragraph (a) was committed;

(f) the age of any person who was a victim of any such offence (where applicable) and the difference in age between the victim and the offender at the time any such offence was committed;

(g) any convictions or findings made by a court (including a court in England and Wales or Scotland or a country outside the United Kingdom) in respect of the offender for any other offence listed in Schedule 3;

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(h) any caution which the offender has received for an offence (including an offence in England and Wales or Scotland or a country outside the United Kingdom) which is listed in Schedule 3;

(i) any convictions or findings made by a court (including a court in England and Wales, Scotland or a country outside the United Kingdom) in respect of the offender for any offence listed in Schedule 5 where the behaviour of the offender since the date of the conviction or finding indicates a risk of sexual harm;

(j) whether any criminal proceedings for any offences listed in Schedule 3 have been instituted against the offender but have not concluded;

(k) any assessment of the risk of sexual harm posed by the offender which has been made by any of the agencies mentioned in Article 49(1) of the Criminal Justice (Northern Ireland) Order 2008 (risk assessment and management);

(l) any information presented by or on behalf of the offender;

(m) any other information relating to the risk of sexual harm posed by the offender; and

(n) any other matter which the Chief Constable considers to be appropriate.

(3) In sub-paragraph (2) a reference to a conviction, finding or caution for an offence listed in Schedule 3 or 5 committed in a country outside the United Kingdom is a reference to a conviction, finding or caution in respect of an act which—

(a) constituted an offence under the law in force in the country concerned; and

(b) would have constituted an offence listed in Schedule 3 or (as the case may be) Schedule 5 if it had been done in any part of the United Kingdom.

(4) The functions of the Chief Constable under this paragraph may not be delegated by the Chief Constable except to a police officer not below the rank of superintendent.**]**

Changes to legislation:
Sexual Offences Act 2003, Paragraph 3 is up to date with all changes known to be in force on or before 17 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 60B(5)(i) substituted for s. 60B(5)(i)(ii) by 2015 c. 9 (N.I.) Sch. 1 para. 123(1)Sch. 9 Pt. 1 (This amendment not applied to legislation.gov.uk. S. 60B already repealed (N.I.) (14.1.2015) by 2015 c. 2 (N.I.), s. 28(2), Sch. 5; and omitted (E.W.) (31.7.2015) by virtue of 2015 c. 30, Sch. 5 para. 5(2); S.I. 2015/1476, reg. 2(j))
- s. 103C(4B) inserted by 2022 c. 32 s. 178(7)(b)
- s. 103E(5C)(5D) inserted by 2022 c. 32 s. 178(8)
- s. 103F(3B) inserted by 2022 c. 32 s. 178(9)(a)
- s. 103FA103FB inserted by 2022 c. 32 s. 178(10)
- s. 108(9) inserted by 2011 c. 18 s. 17(2)
- s. 122A(8A) inserted by 2022 c. 32 s. 178(11)(a)
- s. 122A(9B) inserted by 2022 c. 32 s. 178(11)(b)
- s. 122D(4C)(4D) inserted by 2022 c. 32 s. 178(12)
- s. 122E(3B) inserted by 2022 c. 32 s. 178(13)(a)
- s. 122EA122EB inserted by 2022 c. 32 s. 178(14)
- s. 136ZA(3) inserted by 2022 c. 32 s. 178(15)