



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 2

#### NOTIFICATION AND ORDERS

##### *[<sup>F1</sup>Offences committed in a country outside the United Kingdom*

##### **[<sup>F1</sup>96A Offences committed in a country outside the United Kingdom**

- (1) This section applies to a person (“P”) if the following 3 conditions are met with respect to P.
- (2) The first condition is that under the law in force in a country outside the United Kingdom—
  - (a) P has been convicted of a relevant offence (whether or not P has been punished for it),
  - (b) a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that P is not guilty by reason of insanity,
  - (c) such a court has made in respect of a relevant offence a finding equivalent to a finding that P is under a disability and did the act charged against P in respect of the offence, or
  - (d) P has been cautioned in respect of a relevant offence.
- (3) The second condition is that—
  - (a) the first condition is met because of a conviction, finding or caution which occurred on or after 1st September 1997,
  - (b) the first condition is met because of a conviction or finding which occurred before that date, but P was dealt with in respect of the offence or finding on or after that date, or has yet to be dealt with in respect of it, or
  - (c) the first condition is met because of a conviction or finding which occurred before that date, but on that date P was, in respect of the offence or finding, subject under the law in force in the country concerned to detention,

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supervision or any other disposal equivalent to any of those mentioned in section 81(3) (read with sections 81(6) and 131).

- (4) The third condition is that the period set out in section 82 (as modified by subsections (6) and (7) below) in respect of the relevant offence has not expired.
- (5) Where this section applies to P, P is subject to the notification requirements of this Part for the notification period set out in section 82; but the application of this Part to P in respect of the conviction, finding or caution is subject—
- (a) in all cases, to the modifications set out below; and
  - (b) in a case where the first condition mentioned in subsection (2) is met by reason of a conviction, finding or caution in a country which is not a member of the Council of Europe, to the further provisions in section 96AA.
- (6) The “relevant date” means—
- (a) in the case where P is within subsection (2)(a), the date of the conviction;
  - (b) in the case where P is within subsection (2)(b) or (c), the date of the finding;
  - (c) in the case where P is within subsection (2)(d), the date of the caution.
- (7) In section 82—
- (a) references, except in the Table, to a person (or relevant offender) within any provision of section 80 are to be read as references to P;
  - (b) the reference in the Table to section 80(1)(d) is to be read as a reference to subsection (2)(d);
  - (c) references to an order of any description are to be read as references to any corresponding disposal made in relation to P in respect of an offence or finding by reference to which this section applies to P;
  - (d) the reference to offences listed in Schedule 3 is to be read as a reference to relevant offences.
- (8) In sections 83 and 85 references to the commencement of this Part are to be read as references to the commencement of section 4 of the Criminal Justice Act (Northern Ireland) 2013.
- (9) Section 83 has effect as if after subsection (1) there were inserted—
- “(1A) In the case of a person who is not ordinarily resident in Northern Ireland, in calculating the period of 3 days mentioned in subsection (1) there is to be disregarded a period of 7 days (or two or more periods in any period of 12 months taken together which amount to 7 days) after that person's entry into Northern Ireland.”.
- (10) Section 83(4) has effect as if—
- (a) for the words “Where a notification order is made” there were substituted “Where a relevant offender is subject to the notification requirements of this Part by virtue of section 96A ”; and
  - (b) in paragraph (a) for the words “the order was made” there were substituted “he became a person to whom section 96A applies ”.
- (11) In this section “relevant offence” means 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 (other than at paragraph 60) if it had been done in any part of the United Kingdom;

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and for the purposes of this subsection an act punishable under the law in force in a country outside the United Kingdom constitutes an offence under that law however it is described in that law.]

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**Textual Amendments**

**F1** Ss. 96A, 96AA inserted (N.I.) (24.6.2014) by [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7\)](#), ss. [4\(2\)](#), [15\(2\)\(c\)](#); S.R. 2014/179, art. 2(b)

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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\(15\)](#)