Changes to legislation: Criminal Justice Act 2003, Section 325 is up to date with all changes known to be in force on or before 03 August 2019. 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

Criminal Justice Act 2003

2003 CHAPTER 44

PART 13

MISCELLANEOUS

Assessing etc. risks posed by sexual or violent offenders

325 Arrangements for assessing etc risks posed by certain offenders

(1) In this section—

“relevant sexual or violent offender” has the meaning given by section 327;
“responsible authority”, in relation to any area, means the chief officer of police, the local probation board for that area [F1 or (if there is no local probation board for that area) a relevant provider of probation services] and the Minister of the Crown exercising functions in relation to prisons, acting jointly.

(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 and 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) In establishing those arrangements, the responsible authority must act in co-operation with the persons specified in subsection (6); and it is the duty of those persons to co-operate in the establishment by the responsible authority of those arrangements, to the extent that such co-operation is compatible with the exercise by those persons of their [F2relevant functions].

(4) Co-operation under subsection (3) may include the exchange of information.

(5) The responsible authority for each area (“the relevant area”) and the persons specified in subsection (6) must together draw up a memorandum setting out the ways in which they are to co-operate.
(6) The persons referred to in subsections (3) and (5) are—

(a) every youth offending team established for an area any part of which falls within the relevant area,
(b) the Ministers of the Crown exercising functions in relation to social security, child support, war pensions, employment and training,
(c) the National Health Service Commissioning Board,[F3(ba)]
(d) every local authority (in its capacity as a person exercising functions for the purposes of the health service) any part of whose area falls within the relevant area,[F8(da)]
(e) every private registered provider of social housing or [registered social landlord which provides or manages residential accommodation in the relevant area in which persons falling within subsection (2)(a) or (b) reside or may reside,
(f) every Health Authority [F8]... any part of whose area falls within the relevant area,
(g) every clinical commissioning group or[F10]... Local Health Board any part of whose area falls within the relevant area,
(h) every NHS trust any part of whose area falls within the relevant area, [F11]
(i) every person who is designated by the Secretary of State by order for the purposes of this paragraph as a provider of electronic monitoring services[F12], and
(j) the persons listed in section 48(1A)(a) to (e) of the UK Borders Act 2007 and any person acting pursuant to arrangements relating to the discharge of a function within section 48(1A) of that Act (persons exercising functions as the UK Border Agency).

(7) The Secretary of State may by order amend subsection (6) by adding or removing any person or description of person.

(8) The Secretary of State may issue guidance to responsible authorities on the discharge of the functions conferred by this section and[F13] sections 326 and 327A].

[F14(8A)] Responsible authorities must have regard to any guidance issued under subsection (8) in discharging those functions.

(9) In this section—

[F15] “education functions” has the meaning given by section 579(1) of the Education Act 1996;
[F16] “local authority” has the same meaning as in the Education Act 1996 (c. 56);
“local housing authority” has the same meaning as in the Housing Act 1985 (c. 68);
“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);
“NHS trust” has the same meaning as in the National Health Service Act 2006];
“prison” has the same meaning as in the Prison Act 1952 (c. 52);
“registered social landlord” has the same meaning as in Part 1 of the Housing Act 1996 (c. 52);

[F18]“relevant functions means—
(a) in the case of a local authority, the education functions and the social services functions of that authority;
(b) in the case of any other person specified in subsection (6), the functions of that person under any other enactment;]

[F19]“a relevant provider of probation services” in relation to an area means a provider of probation services identified as such for the purposes of this section by arrangements under section 3 of the Offender Management Act 2007.

[F20]………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………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S. 325(9): definition of "education functions" inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), Sch. 2 para. 53(4)(b)

F16 Words in s. 325(9) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), Sch. 2 para. 53(4)(a)

F17 In s. 325(9) in definition of "NHS Trust" words substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 5, 8, Sch. 1 para. 254 (with Sch. 3 Pt. 1)

F18 S. 325(9): definition of "relevant functions" inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), Sch. 2 para. 53(4)(b)

F19 S. 325(9): definition of "a relevant provider of probation services" inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, Sch. 1 para. 19(16)(b)

F20 S. 325(9): definition of "social services authority" repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1)(2), Sch. 2 para. 53(4)(c), Sch. 3 Pt. 2

F21 S. 325(9): definition of "social services functions" inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), Sch. 2 para. 53(4)(b)

F22 Words in s. 325(9) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 212(a)

F23 Words in s. 325(9) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 212(b)

Commencement Information

11 S. 325 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, art. 2(1)(2) (subject to art. 2(3)-(6))
Changes to legislation:
Criminal Justice Act 2003, Section 325 is up to date with all changes known to be in force on or before 03 August 2019. 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.
View outstanding changes

Changes and effects yet to be applied to:
– specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by S.I. 2012/2761 art. 2

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. 117(4)(b)(iv) and word inserted by 2019 c. 5 s. 10(3)(b)
– s. 150(aa) inserted by 2012 c. 10 Sch. 26 para. 19(2) (This amendment not applied to legislation.gov.uk. Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
– s. 150(ba) inserted by 2012 c. 10 Sch. 26 para. 19(3) (This amendment not applied to legislation.gov.uk. Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
– s. 151(A1) inserted by 2008 c. 4 s. 11(3)
– s. 151(1A) inserted by 2008 c. 4 s. 11(5)
– s. 151(1A)(b) word substituted by 2008 c. 4 Sch. 4 para. 76(3) (This amendment not applied to legislation.gov.uk. S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
– s. 151(1A)(c) substituted by 2009 c. 25 Sch. 17 para. 8(3) (This amendment not applied to legislation.gov.uk. S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
– s. 151(4A) inserted by 2009 c. 25 Sch. 17 para. 8(5)
– s. 151(8)(c)-(f) inserted by 2009 c. 25 Sch. 17 para. 8(6)(c)
– s. 165(5) inserted by 2014 c. 12 s. 179(3)
– s. 237(1A) inserted by 2006 c. 48 s. 34(3)
– s. 239A inserted by 2015 c. 2 s. 8(1)
– s. 239A cross-heading inserted by 2015 c. 2 Sch. 3 para. 5
– s. 250(5C) inserted by 2015 c. 2 Sch. 3 para. 7(4)
– s. 255A(4A) inserted by 2015 c. 2 s. 9(2)
– s. 255B(3A) inserted by 2015 c. 2 s. 9(3)(b)
– s. 255B(4A)-(4C) inserted by 2015 c. 2 s. 9(3)(d)
– s. 255C(3A) inserted by 2015 c. 2 s. 9(4)(b)
– s. 255C(4A)-(4C) inserted by 2015 c. 2 s. 9(4)(d)
– s. 256A(1)-(1B) substituted for s. 256A(1) by 2015 c. 2 s. 9(6)(a)
– s. 256A(4A)-(4B) inserted by 2015 c. 2 s. 9(6)(f)
– s. 256A(5)-(6) substituted for s. 256A(5) by 2015 c. 2 s. 9(6)(g)
– s. 256AZA inserted by 2015 c. 2 s. 10(1)
– s. 257(3) inserted by 2006 c. 48 s. 34(4)
– s. 258(1A) inserted by 2006 c. 48 s. 34(5)
– s. 260(4)(aa) substituted for word by 2008 c. 4 s. 34(7)(b) (This amendment not applied to legislation.gov.uk. S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))
– Sch. 4 para. 33A33B inserted by 2018 c. 5 Sch. 12 para. 24
– Sch. 15 para. 63I-63M inserted by 2018 c. 5 Sch. 12 para. 25
– Sch. 15B para. 49A omitted by S.I. 2019/780 reg. 26(4)(c)
– Sch. 15B para. 49B omitted by S.I. 2019/780 reg. 26(4)(d)
– Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by 2015 c. 2 Sch. 3 para. 10