2013 CHAPTER 7

Sex offenders

Ending notification requirements for acts which are no longer offences

3.—(1) Part 2 of the Sexual Offences Act 2003 is amended as follows.

(2) In section 93 (abolished homosexual offences)—

 (a) for the heading substitute "**Acts which are no longer offences**";

 (b) for "abolished homosexual offences" substitute "acts which are no longer offences".

(3) In Schedule 4 (procedure for ending notification requirements for abolished homosexual offences) for the heading and paragraph 1 substitute—

"PROCEDURE FOR ENDING NOTIFICATION REQUIREMENTS FOR ACTS WHICH ARE NO LONGER OFFENCES

Scope of Schedule

1. This Schedule applies where a relevant offender is subject to the notification requirements of this Part as a result of a conviction, finding or caution in respect of an offence under—

 (a) section 61 of the Offences against the Person Act 1861 or Article 19 of the Criminal Justice (Northern Ireland) Order 2003 (buggery);

 (b) section 5 of the Criminal Law Amendment Act 1885 (carnal knowledge of girl under 17); or

 (c) section 11 of that Act (gross indecency between men).".

(4) In Schedule 4 in paragraph 2 for sub-paragraph (1) substitute—

"(1) The relevant offender may apply to the Department of Justice for a decision as to whether it appears that, at the time of the offence, the other party to the act of buggery, carnal knowledge or gross indecency consented to the act and—

    (a) that other party was aged 16 or over, or

    (b) where an offender is subject to the notification requirements of this Part as a result of a conviction, the offender was convicted or sentenced on the basis that the offender honestly believed that other party was aged 16 or over.".

(5) In Schedule 4 in paragraph 6 in sub-paragraph (2) after "buggery" (twice) insert ", carnal knowledge" and after that sub-paragraph insert—

"(3) Sub-paragraphs (1) and (2) apply, with appropriate modifications, to an offence under Part 2 of the Serious Crime Act 2007 as they apply to the offence of incitement.".