



Sex Offenders Act 1997

1997 CHAPTER 51

PART I

NOTIFICATION REQUIREMENTS FOR SEX OFFENDERS

1 Sex offenders subject to notification requirements

- (1) A person becomes subject to the notification requirements of this Part if, after the commencement of this Part—
 - (a) he is convicted of a sexual offence to which this Part applies;
 - (b) he is found not guilty of such an offence by reason of insanity, or to be under a disability and to have done the act charged against him in respect of such an offence; or
 - (c) in England and Wales or Northern Ireland, he is cautioned by a constable in respect of such an offence which, at the time when the caution is given, he has admitted.
- (2) A person becomes subject to those requirements if, at that commencement—
 - (a) he has been convicted of a sexual offence to which this Part applies but has not been dealt with in respect of the offence; or
 - (b) he has been found not guilty of such an offence by reason of insanity, or to be under a disability and to have done the act charged against him in respect of such an offence, but has not been dealt with in respect of the finding.
- (3) A person becomes subject to those requirements if, at that commencement—
 - (a) he is serving a sentence of imprisonment or a term of service detention, or is subject to a community order, in respect of a sexual offence to which this Part applies;
 - (b) he is subject to supervision, having been released from prison after serving the whole or part of a sentence of imprisonment in respect of such an offence;
 - (c) he is detained in a hospital, or is subject to a guardianship order, having been convicted of such an offence; or

Status: This is the original version (as it was originally enacted).

(d) he is detained in a hospital, having been found not guilty of such an offence by reason of insanity, or to be under a disability and to have done the act charged against him in respect of such an offence;

and a person who would fall within paragraph (a), (c) or (d) above but for the fact that, at that commencement, he is unlawfully at large or absent without leave, on temporary release or leave of absence, or on bail pending an appeal, shall be treated as falling within that paragraph.

(4) A person falling within subsections (1) to (3) above shall continue to be subject to those requirements for the period set out opposite a person of his description in the second column of the following Table.

TABLE

<i>Description of person</i>	<i>Applicable period</i>
A person who, in respect of the offence, is or has been sentenced to imprisonment for life or for a term of 30 months or more	An indefinite period
A person who, in respect of the offence or finding, is or has been admitted to a hospital subject to a restriction order	An indefinite period
A person who, in respect of the offence, is or has been sentenced to imprisonment for a term of more than 6 months but less than 30 months	A period of 10 years beginning with the relevant date
A person who, in respect of the offence, is or has been sentenced to imprisonment for a term of 6 months or less	A period of 7 years beginning with that date
A person who, in respect of the offence or finding, is or has been admitted to a hospital without being subject to a restriction order	A period of 7 years beginning with that date
A person of any other description	A period of 5 years beginning with that date

(5) Subsection (6) below applies where a person falling within subsection (1)(a), (2)(a) or (3)(a), (b) or (c) above is or has been sentenced, in respect of two or more sexual offences to which this Part applies—

- (a) to consecutive terms of imprisonment; or
- (b) to terms of imprisonment which are partly concurrent.

(6) Subsection (4) above shall have effect as if the person were or had been sentenced, in respect of each of the offences, to a term of imprisonment which—

- (a) in the case of consecutive terms, is equal to the aggregate of those terms;
- (b) in the case of concurrent terms, is equal to the aggregate of those terms after making such deduction as may be necessary to secure that no period of time is counted more than once.

- (7) Where a person found to be under a disability, and to have done the act charged against him in respect of a sexual offence to which this Part applies, is subsequently tried for the offence, the finding, and any order made in respect of the finding, shall be disregarded for the purposes of this section.
- (8) In this Part “the relevant date” means—
- (a) in a case of a person falling within subsection (1)(a), (2)(a) or (3)(a) to (c) above, the date of the conviction;
 - (b) in a case of a person falling within subsection (1)(b), (2)(b) or (3)(d) above, the date of the finding;
 - (c) in a case of a person falling within subsection (1)(c) above, the date of the caution.
- (9) Schedule 1 to this Act (which lists the sexual offences to which this Part applies) shall have effect.