



Criminal Justice Act 2003

2003 CHAPTER 44

PART 13 **E+W**

MISCELLANEOUS

Assessing etc. risks posed by sexual or violent offenders

325 Arrangements for assessing etc risks posed by certain offenders **E+W**

(1) In this section—

“relevant sexual or violent offender” ^[F1] and “relevant terrorist offender” have the meanings] given by section 327;

“responsible authority”, in relation to any area, means the chief officer of police, the local probation board for that area ^[F2] 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,

^[F3](aa) relevant terrorist offenders,]

(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 ^[F4], and

(c) other persons who have committed offences (wherever committed) and are considered by the responsible authority to be persons who may be at risk of involvement in terrorism-related activity.]

(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 ^[F5]relevant functions].

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- [^{F6}(4) A person to whom subsection (4A) applies may, for the purpose described in subsection (2), disclose information to another person to whom subsection (4A) applies.
- (4A) This subsection applies to—
- (a) the responsible authority,
 - (b) a person specified in subsection (6), and
 - (c) a person who the responsible authority considers may contribute to the achievement of the purpose described in subsection (2).
- (4B) A disclosure under subsection (4) does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (4C) But subsection (4) does not authorise a disclosure of information that—
- (a) would contravene the data protection legislation (but in determining whether it would do so, the power in that subsection is to be taken into account), or
 - (b) would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (4D) Subsection (4E) applies if a person who may disclose or receive information by virtue of subsection (4) would not otherwise be a competent authority for the purposes of Part 3 of the Data Protection Act 2018 (law enforcement processing) in relation to the processing by that person of personal data by virtue of that subsection.
- (4E) The person is to be treated as a competent authority for the purposes of that Part in relation to the processing by that person of personal data by virtue of subsection (4).
- (4F) But subsection (4E) does not apply to an intelligence service within the meaning of Part 4 of the Data Protection Act 2018 (see section 82(2) of that Act).
- (4G) Subsections (4) to (4F) do not affect any power to disclose information apart from that conferred by subsection (4).]
- (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) [^{F7}, (4A)(b)] 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,
- [^{F8}(ba) [^{F9}NHS England],]
- (c) every [^{F10}local authority acting in the exercise of its relevant functions] any part of whose area falls within the relevant area,
 - (d) every local housing authority ^{F11}... any part of whose area falls within the relevant area,
- [^{F12}(da) 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,]
- (e) every [^{F13}private registered provider of social housing or] registered social landlord which provides or manages residential accommodation in the

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- relevant area in which persons falling within subsection (2)(a) or (b) reside or may reside,
- (f) every Health Authority ^{F14}... any part of whose area falls within the relevant area,
 - (g) every [^{F15}integrated care board or]^{F16}... 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, ^{F17}...
 - (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 [^{F18}, 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 [^{F19}sections 326 and 327A].
- [^{F20}(8A) Responsible authorities must have regard to any guidance issued under subsection (8) in discharging those functions.]
- (9) In this section—
- [^{F21}“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]
 - [^{F22}“education functions” has the meaning given by section 579(1) of the Education Act 1996;]
 - [^{F21}“involvement in terrorism-related activity” has the same meaning as in the Terrorism Prevention and Investigation Measures Act 2011 (see section 4 of that Act);]
 - “[^{F23}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 [^{F24}National Health Service Act 2006];
 - [^{F21}“personal data” has the same meaning as in the Data Protection Act 2018 (see section 3(2) of that Act);]
 - “prison” has the same meaning as in the Prison Act 1952 (c. 52);
 - [^{F21}“processing” has the same meaning as in the Data Protection Act 2018 (see section 3(4) of that Act);]
 - “registered social landlord” has the same meaning as in Part 1 of the Housing Act 1996 (c. 52);
 - [^{F25}“relevant functions means—
- (a) in the case of a local authority, the education functions and the social services functions of that authority;

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(b) in the case of any other person specified in subsection (6), the functions of that person under any other enactment;]

[^{F26}“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.]

^{F27}
...

[^{F28} “ social services functions ” has the meaning given [^{F29}—

(a) in relation to England,] by section 1A of the Local Authority Social Services Act 1970.

(b) [^{F30}in relation to Wales, has the meaning given by section 143 of the Social Services and Well-being (Wales) Act 2014].]

Textual Amendments

- F1** Words in s. 325(1) substituted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(2)**, 208(4)(x)
- F2** Words in s. 325(1) 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)(a)**
- F3** S. 325(2)(aa) substituted (28.4.2022) for word by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(3)(a)**, 208(4)(x)
- F4** S. 325(2)(c) and word inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(3)(b)**, 208(4)(x)
- F5** Words in s. 325(3) 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(2)**
- F6** S. 325(4)-(4G) substituted for s. 325(4) (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(4)**, 208(4)(x)
- F7** Words in s. 325(6) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(5)**, 208(4)(x)
- F8** S. 325(6)(ba) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 124(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** Words in s. 325 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 1(1)(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** Words in s. 325(6)(c) 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(3)(a)**
- F11** Words in s. 325(6)(d) 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(3)(b), **Sch. 3 Pt. 2**
- F12** S. 325(6)(da) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 124(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F13** Words in s. 325(6)(e) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 5, **Sch. 2 para. 126** (subject to Sch. 3)
- F14** Words in s. 325(6)(f) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 124(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F15** Words in s. 325(6)(g) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 67**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F16** Words in s. 325(6)(g) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 124(d)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F17** Word in s. 325(6)(h) repealed (20.7.2011) by Co-operation in Public Protection Arrangements (UK Border Agency) Order 2011 (S.I. 2011/1733), arts. 1, **2(a)**

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- F18** S. 325(6)(j) and preceding word inserted (20.7.2011) by Co-operation in Public Protection Arrangements (UK Border Agency) Order 2011 (S.I. 2011/1733), arts. 1, **2(b)**
- F19** Words in s. 325(8) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, **Sch. 26 para. 74(2)**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 48(a)
- F20** S. 325(8A) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, **Sch. 26 para. 74(3)**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 48(a)
- F21** Words in s. 325(9) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(6)**, 208(4)(x)
- F22** 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)**
- F23** 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)**
- F24** 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)
- F25** 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)**
- F26** 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)**
- F27** 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**
- F28** 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)**
- F29** 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)**
- F30** 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

- II** 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))

326 Review of arrangements **E+W**

- (1) The responsible authority for each area must keep the arrangements established by it under section 325 under review with a view to monitoring their effectiveness and making any changes to them that appear necessary or expedient.
- (2) The responsible authority for any area must exercise their functions under subsection (1) in consultation with persons appointed by the Secretary of State as lay advisers in relation to that authority.
- (3) The Secretary of State must appoint two lay advisers under subsection (2) in relation to each responsible authority.
- (4) The responsible authority must pay to or in respect of the persons so appointed such allowances as the Secretary of State may determine.

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- (5) As soon as practicable after the end of each period of 12 months beginning with 1st April, the responsible authority for each area must—
- (a) prepare a report on the discharge by it during that period of the functions conferred by section 325 [^{F31}, this section and section 327A] , and
 - (b) publish the report in that area.
- (6) The report must include—
- (a) details of the arrangements established by the responsible authority, and
 - (b) information of such descriptions as the Secretary of State has notified to the responsible authority that he wishes to be included in the report.

Textual Amendments

F31 Words in s. 326(5)(a) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 148, 153, [Sch. 26 para. 75](#); S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 para. 48(a)

Commencement Information

I2 S. 326 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, [art. 2\(1\)\(2\)](#) (subject to [art. 2\(3\)-\(6\)](#))

327 Section 325: interpretation **E+W**

- (1) For the purposes of section 325, a person is a relevant sexual or violent offender if he falls within one or more of [^{F32}subsections (2) to (4)].
- (2) A person falls within this subsection if he is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42).
- (3) A person falls within this subsection if—
- (a) he [^{F33}has been] convicted by a court in England or Wales of murder or an offence specified in [^{F34}Part 1 or 2 of] Schedule 15 [^{F35}or in subsection (4A) below], and
 - (b) one of the following sentences [^{F36}was] imposed on him in respect of the conviction—
 - (i) a sentence of imprisonment for [^{F37}that is not for a term of less than 12 months],
 - (ii) a sentence of detention in a young offender institution for a term of 12 months or more,
 - (iii) a sentence of detention during Her Majesty’s pleasure,
 - (iv) a sentence of detention for public protection under section 226,
 - (v) a sentence of detention for a period of 12 months or more under section 91 of [^{F38}the Powers of Criminal Courts (Sentencing) Act 2000 or under section 250 [^{F39}or 252A] of the Sentencing Code] (offenders under 18 convicted of certain serious offences),
 - [^{F40}(va) a sentence of custody for life under section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000 or under section 272 or 275 of the Sentencing Code,]
 - (vi) a sentence of detention under section [^{F41}226B or] 228 [^{F42}or under section 254 of the Sentencing Code],
 - (vii) a detention and training order for a term of 12 months or more, or

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(viii) a hospital or guardianship order within the meaning of the Mental Health Act 1983 (c. 20).

(4) A person falls within this subsection if—

- (a) he is found not guilty by a court in England and Wales of murder or an offence specified in [^{F43}Part 1 or 2 of] Schedule 15 [^{F44}or in subsection (4A) below] 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
- (b) one of the following orders is made in respect of the act charged against him as the offence—
 - (i) an order that he be admitted to hospital, or
 - (ii) a guardianship order within the meaning of the Mental Health Act 1983.

[^{F45}(4A) The offences specified in this subsection are—

- (a) an offence under section 1 of the Child Abduction Act 1984 (abduction of child by parent);
- (b) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (trafficking people for exploitation), where the offence is committed against a child;
- (c) an offence under section 4(3) of the Misuse of Drugs Act 1971 where the offence is committed by—
 - (i) supplying or offering to supply a Class A drug to a child,
 - (ii) being concerned in the supplying of such a drug to a child, or
 - (iii) being concerned in the making to a child of an offer to supply such a drug;
- (d) an offence of aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this subsection;
- (e) an offence of conspiring to commit an offence so specified;
- (f) an offence of attempting to commit an offence so specified.]

[^{F46}(4B) For the purposes of section 325, a person is a relevant terrorist offender if the person falls within one or both of subsections (4C) and (4D).

(4C) A person falls within this subsection if the person is subject to the notification requirements of Part 4 of the Counter-Terrorism Act 2008.

(4D) A person falls within this subsection if the person has been convicted of and sentenced for a relevant terrorist offence, or otherwise dealt within in relation to such an offence, as described in—

- (a) paragraph (a) or (b) of section 45(1) of the Counter-Terrorism Act 2008,
- (b) paragraph (a) or (b) of section 45(2) of that Act,
- (c) paragraph (a) or (b) of section 45(3) of that Act, or
- (d) paragraph (a) or (b) of paragraph 5(1) of Schedule 6 to that Act.

(4E) For the purposes of subsection (4D)—

- (a) any reference in the Counter-Terrorism Act 2008 to an offence to which Part 4 of that Act applies is to be read as if it were a reference to a relevant terrorist offence, and

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- (b) any reference in that Act to a hospital order is to be read as if it included a guardianship order within the meaning of the Mental Health Act 1983 or the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)).

(4F) In subsections (4D) and (4E) “relevant terrorist offence” means—

- (a) an offence specified in Part 1 or 2 of Schedule 19ZA (terrorism offences punishable with imprisonment for life or for more than two years),
- (b) a service offence as respects which the corresponding civil offence is so specified, or
- (c) an offence which was determined to have a terrorist connection (see subsection (4G));

and in paragraph (b) “service offence” and “corresponding civil offence” have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act).

(4G) For the purposes of subsection (4F)(c), an offence was determined to have a terrorist connection if it was—

- (a) determined to have a terrorist connection under—
- (i) section 69 of the Sentencing Code (including as applied by section 238(6) of the Armed Forces Act 2006),
- (ii) section 30 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in England and Wales before the Sentencing Code applied, or an offender sentenced in Northern Ireland but now capable of posing a risk in an area in England and Wales), or
- (iii) section 32 of that Act (in the case of a person sentenced for a service offence before the Sentencing Code applied), or
- (b) proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Scotland but now capable of posing a risk in an area in England and Wales).]

^{F47}(5)

(6) In this section^{F48}—

“child” means a person under 18;]

“court” does not include a service court, as defined by section 305(1).

Textual Amendments

- F32** Words in s. 327(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 83(2)**, 115(3)(j)
- F33** Words in s. 327(3)(a) substituted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 189(8)(a)(i)**, 208(4)(x)
- F34** Words in s. 327(3)(a) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 189(8)(a)(ii)**, 208(4)(x)
- F35** Words in s. 327(3)(a) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 83(3)**, 115(3)(j)
- F36** Word in s. 327(3)(b) substituted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 189(8)(b)(i)**, 208(4)(x)
- F37** Words in s. 327(3)(b)(i) substituted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 189(8)(b)(ii)**, 208(4)(x)
- F38** Words in s. 327(3)(b)(v) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 244(a)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F39** Words in s. 327(3)(b)(v) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), **Sch. 13 para. 21(9)**

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- F40** S. 327(3)(b)(va) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(8)(b)(iii), 208(4)(x)**
- F41** Words in s. 327(3)(b)(vi) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 21 para. 29**; S.I. 2012/2906, art. 2(s)
- F42** Words in s. 327(3)(b)(vi) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 244(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F43** Words in s. 327(4)(a) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(9), 208(4)(x)**
- F44** Words in s. 327(4)(a) inserted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 83(4), 115(3)(j)**
- F45** S. 327(4A) inserted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 83(5), 115(3)(j)**
- F46** S. 327(4B)-(4G) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(10), 208(4)(x)**
- F47** S. 327(5) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 83(6), 115(3)(j)**
- F48** Words in s. 327(6) inserted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 83(7), 115(3)(j)**

Commencement Information

- I3** S. 327 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))

[^{F49}327A] Disclosure of information about convictions etc. of child sex offenders to members of the public **E+W**

- (1) The responsible authority for each area must, in the course of discharging its functions under arrangements established by it under section 325, consider whether to disclose information in its possession about the relevant previous convictions of any child sex offender managed by it to any particular member of the public.
- (2) In the case mentioned in subsection (3) there is a presumption that the responsible authority should disclose information in its possession about the relevant previous convictions of the offender to the particular member of the public.
- (3) The case is where the responsible authority for the area has reasonable cause to believe that—
 - (a) a child sex offender managed by it poses a risk in that or any other area of causing serious harm to any particular child or children or to children of any particular description, and
 - (b) the disclosure of information about the relevant previous convictions of the offender to the particular member of the public is necessary for the purpose of protecting the particular child or children, or the children of that description, from serious harm caused by the offender.
- (4) The presumption under subsection (2) arises whether or not the person to whom the information is disclosed requests the disclosure.
- (5) Where the responsible authority makes a disclosure under this section—
 - (a) it may disclose such information about the relevant previous convictions of the offender as it considers appropriate to disclose to the member of the public concerned, and
 - (b) it may impose conditions for preventing the member of the public concerned from disclosing the information to any other person.
- (6) Any disclosure under this section must be made as soon as is reasonably practicable having regard to all the circumstances.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Assessing etc. risks posed by sexual or violent offenders is up to date with all changes known to be in force on or before 09 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

- (7) The responsible authority for each area must compile and maintain a record about the decisions it makes in relation to the discharge of its functions under this section.
- (8) The record must include the following information—
 - (a) the reasons for making a decision to disclose information under this section,
 - (b) the reasons for making a decision not to disclose information under this section, and
 - (c) the information which is disclosed under this section, any conditions imposed in relation to its further disclosure and the name and address of the person to whom it is disclosed.
- (9) Nothing in this section requires or authorises the making of a disclosure which contravenes [^{F50}the data protection legislation].
- (10) This section is not to be taken as affecting any power of any person to disclose any information about a child sex offender.

Textual Amendments

- F49** Ss. 327A, 327B inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 140, 153**; [S.I. 2008/1586](#), **art. 2(1)**, Sch. 1 para. 43
- F50** Words in s. 327A(9) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 96** (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)

327B Section 327A: interpretation **E+W**

- (1) This section applies for the purposes of section 327A.
 - (2) “Child” means a person under 18.
 - (3) “Child sex offence” means an offence listed in Schedule 34A, whenever committed.
 - (4) “Child sex offender” means any person who—
 - (a) has been convicted of such an offence,
 - (b) has been found not guilty of such an offence by reason of insanity,
 - (c) has been found to be under a disability and to have done the act charged against the person in respect of such an offence, or
 - (d) has been cautioned in respect of such an offence.
- [“The data protection legislation” has the same meaning as in the Data Protection Act ^{F51}(4A) 2018 (see section 3 of that Act).]
- (5) In relation to a responsible authority, references to information about the relevant previous convictions of a child sex offender are references to information about—
 - (a) convictions, findings and cautions mentioned in subsection (4)(a) to (d) which relate to the offender, and
 - (b) anything under the law of any country or territory outside England and Wales which in the opinion of the responsible authority corresponds to any conviction, finding or caution within paragraph (a) (however described).
 - (6) References to serious harm caused by a child sex offender are references to serious physical or psychological harm caused by the offender committing any offence listed

Changes to legislation: *Criminal Justice Act 2003, Cross Heading: Assessing etc. risks posed by sexual or violent offenders is up to date with all changes known to be in force on or before 09 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*

in any paragraph of Schedule 34A other than paragraphs 1 to 6 (offences under provisions repealed by Sexual Offences Act 2003).

- (7) A responsible authority for any area manages a child sex offender if the offender is a person who poses risks in that area which fall to be managed by the authority under the arrangements established by it under section 325.
- (8) For the purposes of this section the provisions of section 4 of, and paragraph 3 of Schedule 2 to, the Rehabilitation of Offenders Act 1974 (protection for spent convictions and cautions) are to be disregarded.
- (9) In this section “cautioned”, in relation to any person and any offence, means—
 - (a) cautioned after the person has admitted the offence, ^{F52} ...
F52
- (10) Section 135(1), (2)(a) and (c) and (3) of the Sexual Offences Act 2003 (mentally disordered offenders) apply for the purposes of this section as they apply for the purposes of Part 2 of that Act.]

Textual Amendments

- F49** Ss. 327A, 327B inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 140, 153**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 43
- F51** [S. 327B\(4A\)](#) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 97** (with [ss. 117, 209, 210](#)); S.I. 2018/625, [reg. 2\(1\)\(g\)](#)
- F52** [S. 327B\(9\)\(b\)](#) and word omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 24 para. 26** (with [s. 135\(4\)](#)); S.I. 2013/453, [art. 4\(f\)](#)

Changes to legislation:

Criminal Justice Act 2003, Cross Heading: Assessing etc. risks posed by sexual or violent offenders is up to date with all changes known to be in force on or before 09 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 :

- 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. 256AZBA-256AZBC and cross-heading inserted by [2024 c. 21 s. 62\(1\)](#)
- s. 256AZBC(1) power to amend or apply conferred by 2012 c.10, s. 128(3A) (as inserted) by [2024 c. 21 s. 60\(3\)](#)
- 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(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- 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. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 237A237B inserted by [2024 c. 21 s. 59\(2\)](#)
- s. 237A power to amend conferred by 2012 c.10, s. 128(3)(aaza) (as inserted) by [2024 c. 21 s. 60\(2\)\(b\)](#)
- 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. 250(5D) inserted by [2024 c. 21 s. 64\(3\)](#)
- 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(3A) inserted by [2024 c. 21 s. 59\(5\)](#)
- 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(3A) inserted by [2024 c. 21 s. 59\(6\)](#)
- 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. 256AZB(3) inserted by [2024 c. 21 s. 59\(7\)](#)
- 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))
- s. 268A inserted by [2024 c. 21 s. 70](#)
- s. 327(4A)(ca) inserted by [2024 c. 21 s. 65](#)
- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 18B inserted by [2024 c. 21 Sch. 2](#)
- Sch. 19 para. 2(2)(e) and word inserted by [2024 c. 21 s. 74\(3\)\(b\)](#)
- Sch. 19 para. 2(2A) inserted by [2024 c. 21 s. 74\(4\)](#)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)