



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 10

#### MANAGEMENT OF OFFENDERS

### CHAPTER 3

#### MANAGEMENT OF SEX OFFENDERS

##### *Notification requirements*

#### **169 Offences outside the United Kingdom: notification requirements**

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) After section 96 insert—

*“Offences outside the United Kingdom: notification requirements*

#### **96ZA Offences outside the United Kingdom: notification requirements**

- (1) Where this section applies to a person (“P”), P is subject to the notification requirements of this Part for the notification period set out in section 82.

This is subject to sections 96ZB (young offenders: parental notices) and 96ZC (modifications of notification requirements).

- (2) This section applies to P if P has been given a notice under subsection (3) and that notice has not been cancelled.
- (3) A constable may give a notice to P if—

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- (a) the conditions in subsections (6), (7) and (8) are met in respect of P, and
  - (b) an officer of at least the rank of inspector has authorised the giving of the notice to P.
- (4) A notice given to P under subsection (3) must be given to P in person and must contain details of—
  - (a) the notifications that P is required to give under this Part,
  - (b) when those notifications must be given, and
  - (c) where those notifications may be given.
- (5) A notice given under subsection (3) may be cancelled by a constable giving notice in writing to P in person but such a cancellation must be authorised by an officer of at least the rank of inspector.
- (6) 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.
- (7) The second condition is that—
  - (a) the first condition is met because of a conviction, finding or caution which occurred on or after 1 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, supervision or any other disposal equivalent to any of those mentioned in section 81(3) (read with sections 81(6) and 131).
- (8) The third condition is that the period set out in section 82 (as it would have effect as modified by section 96ZC(2) and (3) if this section applied to P) in respect of the relevant offence has not expired.
- (9) In this section and section 96ZC “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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- (10) For the purposes of subsection (9)(a), 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.

### **96ZB Young offenders: parental notices**

- (1) Where the person (“P”) given a notice under section 96ZA is under 18 a constable may also give a notice (a “parental notice”) to a person (“the parent”) with parental responsibility for P.
- (2) Subsections (3)(b) to (5) of section 96ZA apply to the giving of a parental notice as if references to P were references to the parent.
- (3) If a parental notice has been given to the parent and has not been cancelled or ceased to have effect—
  - (a) the obligations that would (apart from this subsection) be imposed by virtue of section 96ZA on P are to be treated instead as obligations on the parent, and
  - (b) the parent must ensure that P attends with them at the police station when a notification under this Part is being given.
- (4) The parental notice ceases to have effect when P reaches the age of 18.
- (5) If a parental notice is to be given, section 96ZA(4)(a) has effect in relation to the notice given to P as if the reference to the notifications that P is required to give under this Part were a reference to—
  - (a) the notifications that the parent is required to give under this Part, and
  - (b) the notifications (if any) that P is required to give under this Part once the parental notice ceases to have effect.

### **96ZC Modifications of notification requirements**

- (1) The application of this Part to a person (“P”) to whom section 96ZA applies in respect of a conviction, finding or caution is subject to the modifications set out in this section.
- (2) References to the “relevant date”—
  - (a) in a case where P is within section 96ZA(6)(a), are to the date of the conviction,
  - (b) in a case where P is within section 96ZA(6)(b) or (c), are to the date of the finding, and
  - (c) in a case where P is within section 96ZA(6)(d), are to the date of the caution.
- (3) 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 section 96ZA(6)(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

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offence or finding by reference to which a notice has been given to P under section 96ZA;

- (d) the reference to offences listed in Schedule 3 is to be read as a reference to relevant offences (see section 96ZA(9)).

(4) Section 83 has effect as if after subsection (1) there were inserted—

“(1A) In the case of a relevant offender who is subject to the notification requirements of this Part by virtue of a notice being given to the relevant offender under section 96ZA, the reference in subsection (1) to the period of 3 days beginning with the relevant date (or if later the commencement of this Part) is to be read as a reference to the period of 3 days beginning with the day on which the notice was given to the relevant offender.”

(5) 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 a notice given under section 96ZA”, and
- (b) in paragraph (a) for the words “the order was made” there were substituted “the notice was given to the relevant offender”.

#### **96ZD Appeal against the issue of a notice under section 96ZA or 96ZB**

(1) A person (“P”) may appeal to a magistrates’ court against the decision to give them a notice under section 96ZA.

(2) The grounds for bringing an appeal under subsection (1) include—

- (a) that one or more of the conditions for the giving of the notice were not met in respect of P at the time the notice was given;
- (b) that the conviction, finding or caution by reason of which P was given the notice falls within subsection (3).

(3) A conviction, finding or caution falls within this subsection if—

- (a) any investigations or proceedings leading to it were conducted in a way which contravened any of the Convention rights (within the meaning of section 1 of the Human Rights Act 1998) which P would have had if those investigations or proceedings had taken place in the United Kingdom, and
- (b) that contravention was such that the conviction, finding or caution cannot be safely relied on for the purposes of meeting the condition in section 96ZA(6).

(4) A person (“the parent”) may appeal to a magistrates’ court against the decision to give them a parental notice under section 96ZB.

(5) The grounds for bringing an appeal under subsection (4) include—

- (a) that one or more of the conditions for the giving of a notice under section 96ZA to the person (“P”) for whom the parent has parental responsibility were not met in respect of P at the time the notice under section 96ZA was given;
- (b) that the conviction, finding or caution by reason of which P was given a notice under section 96ZA falls within subsection (3);

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- (c) that one or more of the requirements for giving the parent a parental notice under section 96ZB were not met at the time the parental notice was given.
- (6) On an appeal under subsection (1) or (4) a magistrates' court may cancel or confirm the notice which is the subject of the appeal.”
- (3) In section 91(1)(a) (offences relating to notification) for “or 89(2)(b)” substitute “, 89(2)(b) or 96ZB(3)(b)”.
- (4) In section 91A(3) (review of indefinite notification requirements) for paragraph (c) substitute—
  - “(c) a notice given under section 96ZA.”
- (5) Omit sections 97 to 103 (notification orders) and section 103G(6) and (7) (notification order made on application for sexual harm prevention order or interim sexual harm prevention order).
- (6) In section 133(1) (general interpretation), in the definition of “relevant date” for “98, 100” substitute “, 96ZC”.
- (7) Subsection (5) does not affect—
  - (a) the validity or effect of any order made under section 97 or 100 of the Sexual Offences Act 2003 before the coming into force of this section or the application of Part 2 of that Act to any person in respect of whom such an order was so made;
  - (b) in respect of an application made under section 97(1) or section 100(2) of that Act before the coming into force of this section—
    - (i) the determination of such an application, or
    - (ii) the validity and effect of any order made on such an application or the application of Part 2 of that Act to any person in respect of whom such an order was so made.
- (8) The amendments made by subsections (4) and (6) do not apply in respect of any order to which, or any person to whom, subsection (7) applies.

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#### Commencement Information

- I1** S. 169 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [S. 169](#) in force at 29.11.2022 by [S.I. 2022/1227](#), [reg. 3\(b\)](#)

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