

CRIMINAL JUSTICE AND COURT SERVICES ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part III: Dealing with Offenders

Chapter II: Miscellaneous

Section 68: Interpretation of Section 67

153. *Section 68* defines who is a “*relevant sexual or violent offender*” for the purposes of Section 67. It is those who fall into any of four categories.
154. First, where a person is subject to the notification requirement under Part 1 of the Sex Offenders Act 1997. It includes offences such as rape and unlawful sexual intercourse with a girl under 16.
155. Second, where a person is convicted by a court in England and Wales of a “sexual or violent offence” within the meaning the Powers of the Criminal Courts (Sentencing) Act 2000 (see below) and in respect of such an offence is:
- sentenced to a term of imprisonment or some form of detention for 12 months or more; or
 - detained during Her Majesty’s pleasure; or
 - subject to a hospital order or guardianship order under the Mental Health Act 1983.
156. A “sexual or violent offence” is defined in Section 161 of the Powers of the Criminal Courts (Sentencing) Act 2000. A “violent offence” is:
- ““an offence which leads, or is intended to lead, to a person’s death or to physical injury to a person, and includes an offence which is required to be charged as arson (whether or not it would otherwise fall into this definition)”
- This would therefore include offences such as those in the Offences against the Person Act 1861, including assault occasioning actual bodily harm contrary to Section 47, wounding or inflicting grievous bodily harm contrary to Section 20 and the offences in Section 18 such as wounding or causing grievous bodily harm with intent.
- “sexual offence” is defined in Section 161 of the Powers of the Criminal Courts (Sentencing) Act 2000 to include an offence under :
- the Sexual Offences Act 1956, (other than an offence under Section 30,31, or 33 to 36 relating to prostitution and brothels). These include for example the offences of rape, unlawful sexual intercourse with a girl under 16, buggery, indecent assault and indecency between men

*These notes refer to the Criminal Justice and Court Services Act
2000 (c.43) which received Royal Assent on 30 November 2000*

- Section 128 of Mental Health Act 1959 - Sexual intercourse with patients
 - Indecency with Children Act 1960 - gross indecency with or towards a child, under the age of 16, or someone who incites a child under that age to such an act with him or another. The indecency with Children Act 1960 has been amended by Section 39 of this Act to increase the age of the child against which this offence can be committed.
 - Section 9 of the Theft Act 1968 - burglary with intent to commit rape
 - Section 54 of the Criminal Law Act 1977 - Inciting girl under sixteen to have incestuous sexual intercourse
 - An offence under the Protection of Children Act 1978 - Indecent photographs of children
 - Section 1 of the Criminal Law Act 1977 - conspiracy to commit any of the offences above
 - Section 1 of the Criminal Attempts Act 1981 - attempting to commit any of the offences above
 - inciting another to commit any of those offences
157. Third, where a person is found not guilty by a court in England and Wales of a sexual or violent offence, as defined above, by reason of insanity or to be under a disability and to have done the act charged and an order is made that he is admitted to hospital or a guardianship order within the meaning of the Mental Health Act 1983 is made in respect of him.
158. Fourth where a person is eligible for a disqualification order to be imposed to prevent them from working with children under Sections 28, 29 and 30 of this Act (paragraphs 81-83) of this Explanatory Note above refers).