



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 2

#### NOTIFICATION AND ORDERS

##### *Information for verification*

#### **94 Part 2: supply of information to Secretary of State etc. for verification**

- (1) This section applies to information notified to the police under—
  - (a) section 83, 84 or 85, or
  - (b) section 2(1) to (3) of the Sex Offenders Act 1997 (c. 51).
- (2) A person within subsection (3) may, for the purposes of the prevention, detection, investigation or prosecution of offences under this Part, supply information to which this section applies to—
  - (a) the Secretary of State,
  - <sup>F1</sup>(aa) .....
  - (b) a Northern Ireland Department, or
  - (c) a person providing services to the Secretary of State <sup>F2</sup>... or a Northern Ireland Department in connection with a relevant function,for use for the purpose of verifying the information.
- (3) The persons are—
  - (a) a chief officer of police (in Scotland, [<sup>F3</sup>the chief constable of the Police Service of Scotland]),
  - <sup>F4</sup>(b) the Director General of the National Crime Agency.]
- (4) In relation to information supplied under subsection (2) to any person, the reference to verifying the information is a reference to—
  - (a) checking its accuracy by comparing it with information held—

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- (i) where the person is the Secretary of State <sup>F5</sup>... or a Northern Ireland Department, by him or it in connection with the exercise of a relevant function, or
  - (ii) where the person is within subsection (2)(c), by that person in connection with the provision of services referred to there, and
  - (b) compiling a report of that comparison.
- (5) Subject to subsection (6), the supply of information under this section is to be taken not to breach any restriction on the disclosure of information (however arising or imposed).
- (6) This section does not authorise the doing of anything that contravenes [<sup>F6</sup>the data protection legislation].
- (7) This section does not affect any power existing apart from this section to supply information.
- (8) In this section—
- [<sup>F7</sup>“ the data protection legislation ” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]
  - “Northern Ireland Department” means the Department for Employment and Learning, the Department of the Environment or the Department for Social Development;
  - “relevant function” means—
    - (a) a function relating to social security, child support, employment or training,
    - (aa) <sup>F8</sup> .....
    - (b) a function relating to passports,
    - (c) a function under Part 3 of the Road Traffic Act 1988 (c. 52) or Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)).

#### Textual Amendments

- F1** S. 94(2)(aa) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012](#) (S.I. 2012/2007), art. 1(2), **Sch. para. 68(a)**
- F2** Words in s. 94(2)(c) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012](#) (S.I. 2012/2007), art. 1(2), **Sch. para. 68(b)**
- F3** Words in s. 94(3)(a) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013](#) (S.I. 2013/602), art. 1(2), **Sch. 2 para. 43**
- F4** S. 94(3)(b) substituted for s. 94(3)(b)(c) (7.10.2013) by [Crime and Courts Act 2013](#) (c. 22), s. 61(2), **Sch. 8 para. 154**; S.I. 2013/1682, art. 3(v)
- F5** Words in s. 94(4)(a)(i) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012](#) (S.I. 2012/2007), art. 1(2), **Sch. para. 68(c)**
- F6** Words in s. 94(6) substituted (25.5.2018) by [Data Protection Act 2018](#) (c. 12), s. 212(1), **Sch. 19 para. 94(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F7** Words in s. 94(8) inserted (25.5.2018) by [Data Protection Act 2018](#) (c. 12), s. 212(1), **Sch. 19 para. 94(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

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**F8** S. 94(8) definition of “relevant function” para. (aa) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. para. 68\(d\)](#)

## 95 Part 2: supply of information by Secretary of State etc.

- (1) A report compiled under section 94 may be supplied by—
- (a) the Secretary of State,
  - <sup>F9</sup>(aa) .....
  - (b) a Northern Ireland Department, or
  - (c) a person within section 94(2)(c),
- to a person within subsection (2).
- (2) The persons are—
- (a) a chief officer of police (in Scotland, [<sup>F10</sup>the chief constable of the Police Service of Scotland]),
  - [<sup>F11</sup>(b) the Serious Organised Crime Agency.]
- (3) Such a report may contain any information held—
- (a) by the Secretary of State <sup>F12</sup>... or a Northern Ireland Department in connection with the exercise of a relevant function, or
  - (b) by a person within section 94(2)(c) in connection with the provision of services referred to there.
- (4) Where such a report contains information within subsection (3), the person within subsection (2) to whom it is supplied—
- (a) may retain the information, whether or not used for the purposes of the prevention, detection, investigation or prosecution of an offence under this Part, and
  - (b) may use the information for any purpose related to the prevention, detection, investigation or prosecution of offences (whether or not under this Part), but for no other purpose.
- (5) Subsections (5) to (8) of section 94 apply in relation to this section as they apply in relation to section 94.

### Textual Amendments

- F9** S. 95(1)(aa) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. para. 69\(a\)](#)
- F10** Words in s. 95(2)(a) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), [Sch. 2 para. 43](#)
- F11** S. 95(2)(b) substituted for s. 95(b)(c) (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178, [Sch. 4 para. 195](#); [S.I. 2006/378](#), [art. 4\(1\)](#), [Sch. para. 10](#) (subject to art. 4(2)-(7))
- F12** Words in s. 95(3)(a) omitted (1.8.2012) by virtue of [The Public Bodies \(Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions\) Order 2012 \(S.I. 2012/2007\)](#), art. 1(2), [Sch. para. 69\(b\)](#)

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