



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

Notification requirements

[^{F1}]^{F2}88Review of the indefinite notification requirements: procedure and grounds

- (1) The relevant chief constable must no later than the date of discharge—
 - (a) make a notification continuation order in respect of the relevant sex offender; or
 - (b) notify the relevant sex offender that the offender ceases to be subject to the notification requirements of this Part on the date of discharge.
- (2) A notification continuation order is an order making the relevant sex offender subject to the notification requirements of this Part for a fixed period of not more than 15 years from the date which would, but for the order, have been the date of discharge.
- (3) The relevant chief constable may make a notification continuation order only if satisfied, on the balance of probabilities, that the relevant sex offender poses a risk of sexual harm to the public, or any particular members of the public, in the United Kingdom.
- (4) In deciding whether to make a notification continuation order, the relevant chief constable must take into account—
 - (a) the seriousness of the offence (or offences)—
 - (i) of which the relevant sex offender was convicted;
 - (ii) of which the relevant sex offender was found not guilty by reason of insanity;
 - (iii) in respect of which the relevant sex offender was found to be under a disability and to have done the act charged; or

Status: Point in time view as at 31/01/2024.

Changes to legislation: Sexual Offences Act 2003, Section 88C is up to date with all changes known to be in force on or before 20 June 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)

- (iv) in respect of which the relevant sex offender was cautioned in England and Wales or Northern Ireland, which made the relevant sex offender subject to the notification requirements of this Part for an indefinite period;
- (b) the period of time which has elapsed since the relevant sex offender committed the offence (or offences);
- (c) where the relevant sex offender falls within section 88A(1)(b)(ii), whether the relevant sex offender committed any offence under section 3 of the Sex Offenders Act 1997;
- (d) whether the relevant sex offender has committed any offence under section 91 of this Act;
- (e) the age of the relevant sex offender at the time of the decision;
- (f) the age of the relevant sex offender at the time the offence (or offences) referred to in paragraph (a) was (or were) committed;
- (g) the age of any person who was a victim of any such offence (where applicable) and the difference in age between the victim and the relevant sex offender at the time the offence was committed;
- (h) any convictions or findings made by a court in respect of the relevant sex offender for any other offence listed in Schedule 3;
- (i) any caution which the relevant sex offender has received for an offence in England and Wales or Northern Ireland which is listed in Schedule 3;
- (j) whether any criminal proceedings for any offences listed in Schedule 3 have been instituted against the relevant sex offender but have not concluded;
- (k) any assessment of the risk posed by the relevant sex offender which has been made by the responsible authorities under the joint arrangements for managing and assessing risk established under section 10 of the Management of Offenders etc. (Scotland) Act 2005;
- (l) any other submission or evidence of the risk of sexual harm posed by the relevant sex offender to the public, or any particular members of the public, in the United Kingdom;
- (m) any submission or evidence presented by or on behalf of the relevant sex offender which demonstrates that the relevant sex offender does not pose a risk of sexual harm to the public, or any particular members of the public, in the United Kingdom; and
- (n) any other matter which the relevant chief constable considers to be appropriate.
- (5) A notification continuation order must state—
- (a) the reasons why the order was made; and
- (b) the reasons for the determination of the fixed period in the order.
- (6) A notification continuation order must be notified to the relevant sex offender by—
- (a) the relevant chief constable sending a copy of the order to the relevant sex offender by registered post or by the recorded delivery service (an acknowledgement or certificate of delivery of a copy so sent, issued by the Post Office, being sufficient evidence of the delivery of the copy on the day specified in the acknowledgement or certificate); or
- (b) a constable serving a copy of the order on the relevant sex offender.
- (7) In this section—

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“sexual harm” means physical or psychological harm caused by the relevant sex offender doing anything which would constitute an offence listed in Schedule 3 if done in any part of the United Kingdom; and

“responsible authorities” has the meaning given by section 10(7) of the Management of Offenders etc. (Scotland) Act 2005.

(8) In this section and sections 88D to 88G, “relevant chief constable” means the chief constable of the [^{F3}Police Service of Scotland].]]

Textual Amendments

- F1** Ss. 88A-88I inserted (S.) (25.10.2010 at 17.00 hours) by [The Sexual Offences Act 2003 \(Remedial\) \(Scotland\) Order 2010 \(S.S.I. 2010/370\)](#), arts. 1(1), 3 (which Order is revoked and re-enacted with modifications (28.1.2011) by [The Sexual Offences Act 2003 \(Remedial\) \(Scotland\) Order 2011 \(S.S.I. 2011/45\)](#))
- F2** Ss. 88A-88I inserted (S.) (28.1.2011) by [The Sexual Offences Act 2003 \(Remedial\) \(Scotland\) Order 2011 \(S.S.I. 2011/45\)](#), arts. 1(1), 3 (which Order revokes and re-enacts with modifications the [The Sexual Offences Act 2003 \(Remedial\) \(Scotland\) Order 2010 \(S.S.I. 2010/370\)](#), see art. 5)
- F3** Words in s. 88C(8) substituted (S.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, **Sch. 1 para. 20(4)**

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