



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 2

#### NOTIFICATION AND ORDERS

##### *Notification requirements*

#### **[<sup>F1</sup>]<sup>F2</sup>88D Review of indefinite notification requirement: transitional cases**

- (1) This section applies to a case where—
  - (a) the conditions in subsection (2) are satisfied in relation to a relevant sex offender falling within section 88A(1)(b)(ii); and
  - (b) the relevant chief constable was, under this section as it had effect before the coming into force of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011, under the duty in subsection (4).
- (2) The conditions referred to in subsection (1)(a) are that the person—
  - (a) was aged under 18 on the relevant date; and
  - (b) after disregarding any time referred to in subsection (3), had been subject to the notification requirements of Part 1 of the Sex Offenders Act 1997 and this Part for a total period of at least 8 years on 25th October 2010.
- (3) That time is any time during which the relevant sex offender was—
  - (a) remanded in or committed to custody by order of the court;
  - (b) serving a sentence of imprisonment or a term of service detention;
  - (c) detained in hospital; or
  - (d) outside the United Kingdom,before the relevant sex offender first notified information to the police under section 2(1) of the Sex Offenders Act 1997.
- (4) The duty referred to in subsection (1)(b) is a duty, no later than the applicable date, to—
  - (a) make a notification continuation order in respect of the relevant sex offender;or

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*Changes to legislation: Sexual Offences Act 2003, Section 88D is up to date with all changes known to be in force on or before 23 May 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*

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(b) notify the relevant sex offender that the offender ceases to be subject to the notification requirements of this Part on the applicable date.

(5) In this section the “applicable date” is 25th January 2011.]]

#### **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)

**Changes to legislation:**

Sexual Offences Act 2003, Section 88D is up to date with all changes known to be in force on or before 23 May 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 the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 60B(5)(i) substituted for s. 60B(5)(i)(ii) by [2015 c. 9 \(N.I.\) Sch. 1 para. 123\(1\)Sch. 9 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). S. 60B already repealed (N.I.) (14.1.2015) by [2015 c. 2 \(N.I.\)](#), s. 28(2), Sch. 5; and omitted (E.W.) (31.7.2015) by virtue of [2015 c. 30](#), Sch. 5 para. 5(2); S.I. 2015/1476, reg. 2(j))
- s. 103C(4B) inserted by [2022 c. 32 s. 178\(7\)\(b\)](#)
- s. 103E(5C)(5D) inserted by [2022 c. 32 s. 178\(8\)](#)
- s. 103F(3B) inserted by [2022 c. 32 s. 178\(9\)\(a\)](#)
- s. 103FA103FB inserted by [2022 c. 32 s. 178\(10\)](#)
- s. 108(9) inserted by [2011 c. 18 s. 17\(2\)](#)
- s. 122A(8A) inserted by [2022 c. 32 s. 178\(11\)\(a\)](#)
- s. 122A(9B) inserted by [2022 c. 32 s. 178\(11\)\(b\)](#)
- s. 122D(4C)(4D) inserted by [2022 c. 32 s. 178\(12\)](#)
- s. 122E(3B) inserted by [2022 c. 32 s. 178\(13\)\(a\)](#)
- s. 122EA122EB inserted by [2022 c. 32 s. 178\(14\)](#)
- s. 136ZA(3) inserted by [2022 c. 32 s. 178\(15\)](#)