



Criminal Justice Act 2003

2003 CHAPTER 44

PART 13 **E+W**

MISCELLANEOUS

Assessing etc. risks posed by sexual or violent offenders

325 Arrangements for assessing etc risks posed by certain offenders **E+W**

(1) In this section—

“relevant sexual or violent offender” ^[F1] and “relevant terrorist offender” have the meanings] given by section 327;

“responsible authority”, in relation to any area, means the chief officer of police, the local probation board for that area ^[F2] or (if there is no local probation board for that area) a relevant provider of probation services] and the Minister of the Crown exercising functions in relation to prisons, acting jointly.

(2) The responsible authority for each area must establish arrangements for the purpose of assessing and managing the risks posed in that area by—

(a) relevant sexual and violent offenders,

^[F3](aa) relevant terrorist offenders,]

(b) other persons who, by reason of offences committed by them (wherever committed), are considered by the responsible authority to be persons who may cause serious harm to the public ^[F4], and

(c) other persons who have committed offences (wherever committed) and are considered by the responsible authority to be persons who may be at risk of involvement in terrorism-related activity.]

(3) In establishing those arrangements, the responsible authority must act in co-operation with the persons specified in subsection (6); and it is the duty of those persons to co-operate in the establishment by the responsible authority of those arrangements, to the extent that such co-operation is compatible with the exercise by those persons of their ^[F5]relevant functions].

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[^{F6}(4) A person to whom subsection (4A) applies may, for the purpose described in subsection (2), disclose information to another person to whom subsection (4A) applies.

(4A) This subsection applies to—

- (a) the responsible authority,
- (b) a person specified in subsection (6), and
- (c) a person who the responsible authority considers may contribute to the achievement of the purpose described in subsection (2).

(4B) A disclosure under subsection (4) does not breach—

- (a) any obligation of confidence owed by the person making the disclosure, or
- (b) any other restriction on the disclosure of information (however imposed).

(4C) But subsection (4) does not authorise a disclosure of information that—

- (a) would contravene the data protection legislation (but in determining whether it would do so, the power in that subsection is to be taken into account), or
- (b) would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(4D) Subsection (4E) applies if a person who may disclose or receive information by virtue of subsection (4) would not otherwise be a competent authority for the purposes of Part 3 of the Data Protection Act 2018 (law enforcement processing) in relation to the processing by that person of personal data by virtue of that subsection.

(4E) The person is to be treated as a competent authority for the purposes of that Part in relation to the processing by that person of personal data by virtue of subsection (4).

(4F) But subsection (4E) does not apply to an intelligence service within the meaning of Part 4 of the Data Protection Act 2018 (see section 82(2) of that Act).

(4G) Subsections (4) to (4F) do not affect any power to disclose information apart from that conferred by subsection (4).]

(5) The responsible authority for each area (“the relevant area”) and the persons specified in subsection (6) must together draw up a memorandum setting out the ways in which they are to co-operate.

(6) The persons referred to in subsections (3) [^{F7}, (4A)(b)] and (5) are—

- (a) every youth offending team established for an area any part of which falls within the relevant area,
- (b) the Ministers of the Crown exercising functions in relation to social security, child support, war pensions, employment and training,

[^{F8}(ba) [^{F9}NHS England],]

- (c) every [^{F10}local authority acting in the exercise of its relevant functions] any part of whose area falls within the relevant area,
- (d) every local housing authority ^{F11}... any part of whose area falls within the relevant area,

[^{F12}(da) every local authority (in its capacity as a person exercising functions for the purposes of the health service) any part of whose area falls within the relevant area,]

- (e) every [^{F13}private registered provider of social housing or] registered social landlord which provides or manages residential accommodation in the

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- relevant area in which persons falling within subsection (2)(a) or (b) reside or may reside,
- (f) every Health Authority ^{F14}... any part of whose area falls within the relevant area,
 - (g) every [^{F15}integrated care board or]^{F16}... Local Health Board any part of whose area falls within the relevant area,
 - (h) every NHS trust any part of whose area falls within the relevant area, ^{F17}...
 - (i) every person who is designated by the Secretary of State by order for the purposes of this paragraph as a provider of electronic monitoring services [^{F18}, and
 - (j) the persons listed in section 48(1A)(a) to (e) of the UK Borders Act 2007 and any person acting pursuant to arrangements relating to the discharge of a function within section 48(1A) of that Act (persons exercising functions as the UK Border Agency)].
- (7) The Secretary of State may by order amend subsection (6) by adding or removing any person or description of person.
- (8) The Secretary of State may issue guidance to responsible authorities on the discharge of the functions conferred by this section and [^{F19}sections 326 and 327A].
- [^{F20}(8A) Responsible authorities must have regard to any guidance issued under subsection (8) in discharging those functions.]
- (9) In this section—
- [^{F21}“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);]
 - [^{F22}“education functions” has the meaning given by section 579(1) of the Education Act 1996;]
 - [^{F21}“involvement in terrorism-related activity” has the same meaning as in the Terrorism Prevention and Investigation Measures Act 2011 (see section 4 of that Act);]
 - [“^{F23}local authority”] has the same meaning as in the Education Act 1996 (c. 56);
 - “local housing authority” has the same meaning as in the Housing Act 1985 (c. 68);
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);
 - “NHS trust” has the same meaning as in the [^{F24}National Health Service Act 2006];
 - [^{F21}“personal data” has the same meaning as in the Data Protection Act 2018 (see section 3(2) of that Act);]
 - “prison” has the same meaning as in the Prison Act 1952 (c. 52);
 - [^{F21}“processing” has the same meaning as in the Data Protection Act 2018 (see section 3(4) of that Act);]
 - “registered social landlord” has the same meaning as in Part 1 of the Housing Act 1996 (c. 52);
 - [^{F25}“relevant functions means—
 - (a) in the case of a local authority, the education functions and the social services functions of that authority;

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(b) in the case of any other person specified in subsection (6), the functions of that person under any other enactment;]

[^{F26}“a relevant provider of probation services” in relation to an area means a provider of probation services identified as such for the purposes of this section by arrangements under section 3 of the Offender Management Act 2007.]

^{F27}
...

[^{F28} “ social services functions ” has the meaning given [^{F29}—

(a) in relation to England,] by section 1A of the Local Authority Social Services Act 1970.

(b) [^{F30}in relation to Wales, has the meaning given by section 143 of the Social Services and Well-being (Wales) Act 2014].]

Textual Amendments

- F1** Words in s. 325(1) substituted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(2)**, 208(4)(x)
- F2** Words in s. 325(1) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 19(16)(a)**
- F3** S. 325(2)(aa) substituted (28.4.2022) for word by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(3)(a)**, 208(4)(x)
- F4** S. 325(2)(c) and word inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(3)(b)**, 208(4)(x)
- F5** Words in s. 325(3) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 53(2)**
- F6** S. 325(4)-(4G) substituted for s. 325(4) (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(4)**, 208(4)(x)
- F7** Words in s. 325(6) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(5)**, 208(4)(x)
- F8** S. 325(6)(ba) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 124(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** Words in s. 325 substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 1 para. 1(1)(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** Words in s. 325(6)(c) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 53(3)(a)**
- F11** Words in s. 325(6)(d) repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1)(2), Sch. 2 para. 53(3)(b), **Sch. 3 Pt. 2**
- F12** S. 325(6)(da) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 124(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F13** Words in s. 325(6)(e) inserted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) Order 2010 (S.I. 2010/866), art. 5, **Sch. 2 para. 126** (subject to Sch. 3)
- F14** Words in s. 325(6)(f) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 124(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F15** Words in s. 325(6)(g) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 67**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F16** Words in s. 325(6)(g) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 124(d)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F17** Word in s. 325(6)(h) repealed (20.7.2011) by Co-operation in Public Protection Arrangements (UK Border Agency) Order 2011 (S.I. 2011/1733), arts. 1, **2(a)**

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- F18** S. 325(6)(j) and preceding word inserted (20.7.2011) by Co-operation in Public Protection Arrangements (UK Border Agency) Order 2011 (S.I. 2011/1733), arts. 1, **2(b)**
- F19** Words in s. 325(8) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, **Sch. 26 para. 74(2)**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 48(a)
- F20** S. 325(8A) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, **Sch. 26 para. 74(3)**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 48(a)
- F21** Words in s. 325(9) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(6)**, 208(4)(x)
- F22** S. 325(9): definition of "education functions" inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 53(4)(b)**
- F23** Words in s. 325(9) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 53(4)(a)**
- F24** In s. 325(9) in definition of "NHS Trust" words substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 5, 8, **Sch. 1 para. 254** (with Sch. 3 Pt. 1)
- F25** S. 325(9): definition of "relevant functions" inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 53(4)(b)**
- F26** S. 325(9): definition of "a relevant provider of probation services" inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 3, **Sch. 1 para. 19(16)(b)**
- F27** S. 325(9): definition of "social services authority" repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1)(2), Sch. 2 para. 53(4)(c), **Sch. 3 Pt. 2**
- F28** S. 325(9): definition of "social services functions" inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 53(4)(b)**
- F29** Words in s. 325(9) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **212(a)**
- F30** Words in s. 325(9) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **212(b)**

Commencement Information

- I1** S. 325 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to art. 2(3)-(6))

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

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. 256AZBA-256AZBC and cross-heading inserted by [2024 c. 21 s. 62\(1\)](#)
- s. 256AZBC(1) power to amend or apply conferred by 2012 c.10, s. 128(3A) (as inserted) by [2024 c. 21 s. 60\(3\)](#)
- s. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to legislation.gov.uk. Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 237A237B inserted by [2024 c. 21 s. 59\(2\)](#)
- s. 237A power to amend conferred by 2012 c.10, s. 128(3)(aaza) (as inserted) by [2024 c. 21 s. 60\(2\)\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 250(5D) inserted by [2024 c. 21 s. 64\(3\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(3A) inserted by [2024 c. 21 s. 59\(5\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(3A) inserted by [2024 c. 21 s. 59\(6\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)

- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 256AZB(3) inserted by [2024 c. 21 s. 59\(7\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))
- s. 268A inserted by [2024 c. 21 s. 70](#)
- s. 327(4A)(ca) inserted by [2024 c. 21 s. 65](#)
- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 18B inserted by [2024 c. 21 Sch. 2](#)
- Sch. 19 para. 2(2)(e) and word inserted by [2024 c. 21 s. 74\(3\)\(b\)](#)
- Sch. 19 para. 2(2A) inserted by [2024 c. 21 s. 74\(4\)](#)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)