

SEX OFFENDERS

1. The Sexual Offences Act 2003

1.1 The **Sexual Offences Act 2003** (like the Sex Offenders Act 1997, which it replaced) provides that persons are required to notify their local police force of their name, address and other details (and any changes to those details) if, in respect of certain sexual offences, they are:

- convicted of the offence; or
- found not guilty of the offence by reason of insanity; or
- found to be under a disability and to have done the act he or she is charged with; or
- (in England, Wales or Northern Ireland) cautioned for the offence

1.2 The details are recorded by the police on a "register", and this assists the police in monitoring the whereabouts of any sex offenders living in their community.

1.3 The notification requirement for sex offenders is not a "sentence" imposed by the courts and, therefore, does not attract a rehabilitation period. The length of the notification period depends on whether the person was cautioned or convicted for the offence and any term of imprisonment to which the person was sentenced. The notification periods are listed in Annex D(iii) to **Chapter 18**.

2. Notification orders

2.1 The notification requirement in the **Sexual Offences Act 2003** does not apply to convictions or cautions overseas. However, the police can apply to the courts for a notification order if:

- a. a person lives in its police area or it is believed that the person is in, or intends to come to, its police area; and
- b. under the law of a country outside the UK, the person falls, or would fall, within the categories listed in 1.1 above (subject to the exceptions mentioned in Notes e-g in Annex D(iii) to **Chapter 18**); and
- c. the person would, if the conviction or caution had been in the UK, have been still subject to the notification requirements of the **Sexual Offences Act 2003**.

3. Sexual offences prevention orders (SOPO)

3.1 A court may make a SOPO in certain cases where a person falls within the categories in 1.1 or 2.1 above and the person's behaviour since the relevant date makes it necessary to make an order to protect the public (or a specific member of the public) from serious sexual harm from the offender. As with notification orders, the police can also apply for a SOPO to be made.

- 3.2 A SOPO contains specific prohibitions designed to protect the public from serious sexual harm. It remains in effect for the period specified in the order. A SOPO will be in force for a period of not less than 5 years.
- 3.3 Where a person is already subject to the notification requirements of the Sex Offenders Register, the notification period is extended until such time as the SOPO ceases (even if the notification period would have ceased while the SOPO was in force).
- 3.4 Where a SOPO is made in respect of a person who is not already subject to any notification requirements, that person will become subject to the notification requirements.

4. **Foreign travel orders**

- 4.1 The police can apply to the courts for a foreign travel order if a person lives in its police area or it is believed that the person is in, or intends to come to, its police area and the person falls within the criteria in 1.1 above and there is reasonable cause to believe such an order is necessary.
- 4.2 The court may make a foreign travel order in respect of such a person if his behaviour makes an order necessary to protect children or a particular child from serious sexual harm from the person outside the UK.
- 4.3 An order, which may be varied, renewed or discharged at any time, will be in force for a specified period (not more than 6 months) and prohibits the person from travelling to specific countries or from travelling outside the UK in general.

5. **Risk of sexual harm orders (RSHO)**

- 5.1 The police can apply to the courts for a RSHO if a person aged over 18 lives in its police area or it is believed the person is in, or intends to come to, its police area and it appears that the person has, on at least 2 occasions, done an act listed in 5.2 below and there is reasonable cause to believe such an order is necessary.
- 5.2 The acts which might give rise to a RSHO are:
- engaging in sexual activity either involving a child (i.e. a person under 16 or, in Northern Ireland, a person under 17) or in the presence of a child
 - causing or inciting a child to watch a person engaging in sexual activity or to look at a moving or still image of a sexual nature
 - giving a child anything relating or referring to sexual activity
 - communicating with a child (where any part of the communication is of a sexual nature)
- 5.3 A RSHO, which may be varied, renewed or discharged, will be in force for a specified period (not less than 2 years).

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