

SEXUAL OFFENCES ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Notification and Orders

Section 83: Notification requirements: initial notification

159. **Section 83** sets out the information the offender needs to supply to the police when he first makes a notification and the time scales within which he is required to provide that information.
160. **Subsection (2)** relates to a case where someone who is dealt with by a court in one of the ways specified at subsection 80(1) is, at the date of being so dealt with, already subject to the notification requirements by virtue of an earlier conviction or finding or caution in respect of a Schedule 3 offence. If, in these circumstances, at the date of being dealt with by the court, the person has complied with **subsection (1)** in respect of the earlier conviction or finding or caution, he does not need to notify his details again in accordance with **subsection (1)**. This is only the case, however, where the notification period in respect of the earlier conviction, finding or caution lasts throughout the period specified at **subsection (1)** (as extended in accordance with **subsection (6)** – see below – if appropriate).
161. **Subsection (4)** makes similar provision in respect of persons who are already subject to the notification requirements at the time when a notification order (as defined in section 97) is made.
162. **Subsection (3)** provides that the obligation imposed by **subsection (1)** does not apply to a person who, on commencement, in relation to a pre-commencement conviction, finding, caution or order, has complied with the obligation to notify his name and address to the police under section 2(1) of the 1997 Act. Where a person subject to the requirements of the 1997 Act has not complied with section 2(1) of that Act, he must, under **subsection (1)**, notify the police of the details in **subsection (5)** within 3 days of commencement of Part 2 of the Act.
163. The details in **subsection (5)** include the offender's home address. The term 'home address' is defined in **subsection (7)**. This provides that where an offender is homeless or has no fixed abode his 'home address' means an address or location where he can be regularly found. This might, for example, be a shelter, a friend's house, a caravan or a park bench.
164. In calculating the period within which an offender must give notification under **subsection (1)**, any time when the offender meets the conditions specified in **subsection (6)** - for instance, any time when he is serving a sentence of imprisonment - does not count.