



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

Notification orders

[^{F1}97] Notification orders: applications and grounds

- [^{F2}(1) [^{F3}The chief constable of the Police Service of Scotland (“the chief constable”) may by application to any sheriff], apply for an order under this section (a “notification order”) in respect of a person [^{F4}... if—
- (a) it appears to [^{F5}the chief constable] that the following three conditions are met with respect to the [^{F6}person], and
 - (b) the [^{F7}person] resides in [^{F8}Scotland] or the [^{F9}chief constable] believes that the [^{F7}person] is in, or is intending to come to, [^{F8}Scotland].
- (2) The first condition is that under the law in force in a country outside the United Kingdom—
- (a) [^{F10}the person] has been convicted of a relevant offence (whether or not [^{F10}the person] has been punished for it),
 - (b) a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that [^{F10}the person] is not guilty by reason of insanity,
 - (c) such a court has made in respect of a relevant offence a finding equivalent to a finding that [^{F10}the person] is under a disability and did the act charged against [^{F11}the person] in respect of the offence, or
 - (d) [^{F10}the person] has been cautioned in respect of a relevant offence.
- (3) The second condition is that—
- (a) the first condition is met because of a conviction, finding or caution which occurred on or after 1st September 1997,

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- (b) the first condition is met because of a conviction or finding which occurred before that date, but the person was dealt with in respect of the offence or finding on or after that date, or has yet to be dealt with in respect of it, or
 - (c) the first condition is met because of a conviction or finding which occurred before that date, but on that date the person was, in respect of the offence or finding, subject under the law in force in the country concerned to detention, supervision or any other disposal equivalent to any of those mentioned in section 81(3) (read with sections 81(6) and 131).
- (4) The third condition is that the period set out in section 82 (as modified by subsections (2) and (3) of section 98) in respect of the relevant offence has not expired.
- (5) If on the application it is proved that the conditions in subsections (2) to (4) are met, the [F12sheriff] must make a notification order.
- [F13(5A) A record of evidence must be kept on any application for an order under this section.
- (5B) The clerk of the court by which a notification order under this section is made must cause a copy of the order as so made to be—
- (a) given to the person named in the order,
 - (b) sent to the person by registered post, or
 - (c) sent to the person by the recorded delivery service,
- and where a copy of the order is so sent to the person, an acknowledgement or certificate of delivery issued by the Post Office is sufficient evidence of the delivery of the copy on the day specified in the acknowledgement or certificate.]
- (6) In this section and section 98, “relevant offence” has the meaning given by section 99.]]

Textual Amendments

- F1** Ss. 97-101 repealed (N.I.) (24.6.2014) by Criminal Justice Act (Northern Ireland) 2013 (c. 7), ss. 4(3), 15(2)(c)(e), **Sch. 4 Pt. 1** (with s. 4(4)); S.R. 2014/179, art. 2(b)
- F2** Ss. 97-103 omitted (E.W.) (29.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 169(5), 208(1)** (with s. 169(7)(8)); S.I. 2022/1227, reg. 3(b)
- F3** Words in s. 97(1) substituted (S.) (29.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 170(2)(a)(i), 208(1)**; S.I. 2022/1227, reg. 3(c)
- F4** Words in s. 97(1) omitted (S.) (29.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 170(2)(a)(ii), 208(1)**; S.I. 2022/1227, reg. 3(c)
- F5** Words in s. 97(1)(a) substituted (S.) (29.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 170(2)(b)(i), 208(1)**; S.I. 2022/1227, reg. 3(c)
- F6** Word in s. 97(1)(a) substituted (S.) (29.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 170(2)(b)(ii), 208(1)**; S.I. 2022/1227, reg. 3(c)
- F7** Word in s. 97(1)(b) substituted (S.) (29.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 170(2)(c)(i), 208(1)**; S.I. 2022/1227, reg. 3(c)
- F8** Word in s. 97(1)(b) substituted (S.) (29.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 170(2)(c)(ii), 208(1)**; S.I. 2022/1227, reg. 3(c)
- F9** Words in s. 97(1)(b) substituted (S.) (29.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 170(2)(c)(iii), 208(1)**; S.I. 2022/1227, reg. 3(c)
- F10** Words in s. 97(2) substituted (S.) (29.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 170(2)(d)(i), 208(1)**; S.I. 2022/1227, reg. 3(c)
- F11** Words in s. 97(2)(c) substituted (S.) (29.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 170(2)(d)(ii), 208(1)**; S.I. 2022/1227, reg. 3(c)

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- F12** Word in s. 97(5) substituted (S.) (29.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 170(2)(e)**, 208(1); S.I. 2022/1227, reg. 3(c)
- F13** S. 97(5A)(5B) inserted (S.) (29.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 170(2)(f)**, 208(1); S.I. 2022/1227, reg. 3(c)

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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\(15\)](#)