
Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Sexual Offences Act 2003 (c. 42) is up to date with all changes known to be in force on or before 23 April 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](#)

SCHEDULES

SCHEDULE 26

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

OTHER AMENDMENTS

Sexual Offences Act 2003 (c. 42)

53 The Sexual Offences Act 2003 has effect subject to the following amendments.

Commencement Information

II Sch. 26 para. 53 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(r)

- 54 (1) In section 83(6)(a) (notification requirements: initial notification) after “court” insert “ or kept in service custody ”.
- (2) This paragraph extends to England and Wales and Northern Ireland only.

Commencement Information

I2 Sch. 26 para. 54 in force at 31.10.2009 by S.I. 2009/2606, art. 3(i)

- 55 (1) In section 85(4)(a) (notification requirements: periodic notification) after “court” insert “ or kept in service custody ”.
- (2) This paragraph extends to England and Wales and Northern Ireland only.

Commencement Information

I3 Sch. 26 para. 55 in force at 31.10.2009 by S.I. 2009/2606, art. 3(i)

- 56 (1) Section 133 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) of the definition of “cautioned”, for “by a police officer” substitute “ (or, in Northern Ireland, cautioned by a police officer) ”;
- (b) at the appropriate place insert—
- ““kept in service custody” means kept in service custody by virtue of an order under section 105(2) of the Armed Forces Act 2006 (but see also subsection (3));”.

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(3) After subsection (2) insert—

“(3) In relation to any time before the commencement of section 105(2) of the Armed Forces Act 2006, “kept in service custody” means being kept in military, air-force or naval custody by virtue of an order made under section 75A(2) of the Army Act 1955 or of the Air Force Act 1955 or section 47G(2) of the Naval Discipline Act 1957 (as the case may be).”

(4) This paragraph extends to England and Wales and Northern Ireland only.

Commencement Information

- I4** Sch. 26 para. 56(1)(2)(a)(4) in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), **Sch. 1 para. 48(r)**
I5 Sch. 26 para. 56(2)(b)(3) in force at 31.10.2009 by S.I. 2009/2606, **art. 3(i)**

57 (1) In section 138 (orders and regulations), at the end insert—

“(4) Orders or regulations made by the Secretary of State under this Act may—
 (a) make different provision for different purposes;
 (b) include supplementary, incidental, consequential, transitional, transitory or saving provisions.”

(2) The amendment made by sub-paragraph (1), and the repeals in Part 4 of Schedule 28 of sections 86(4) and 87(6) of the Sexual Offences Act 2003 (which are consequential on that amendment), extend to England and Wales and Northern Ireland only.

Commencement Information

- I6** Sch. 26 para. 57 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), **Sch. 1 para. 48(r)**

58 (1) Schedule 3 (sexual offences in respect of which offender becomes subject to notification requirements) is amended as follows.

(2) After paragraph 35 insert—

“35A An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) if the offender—
 (a) was 18 or over, and
 (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.”

(3) After paragraph 92 insert—

“92A An offence under section 63 of the Criminal Justice and Immigration Act 2008 (possession of extreme pornographic images) if the offender—
 (a) was 18 or over, and
 (b) is sentenced in respect of the offence to imprisonment for a term of at least 2 years.”

(4) In paragraphs 93(1) and 93A(1) (service offences) for “35” substitute “ 35A ”.

(5) This paragraph extends to England and Wales and Northern Ireland only.

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Commencement Information

I7 Sch. 26 para. 58 in force at 26.1.2009 by S.I. 2008/2993, **art. 2(2)(j)**

Changes to legislation:

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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):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)