

Since 1997, legislation has imposed a requirement on people convicted or cautioned in respect of sex offences, or found not guilty by reason of insanity, to notify the police of certain details. These notification requirements have become known as the Sex Offenders Register, although there is no mention of a register in the legislation. The legislation has been amended a number of times .

Under the legislation, offenders who have been convicted of relevant offences must notify police within 3 days of conviction or caution of their name (and any other names they use), their home address (and any other addresses where they regularly stay), their date of birth, national insurance number, and details of any passports they hold. Further notification is required if any of those details change, or if the registered person stays for a qualifying period at a previously undeclared address.

Although the requirement has often been regarded as creating a 'paedophiles' register', the definition of sex offences in Schedule 3 to the Sexual Offences Act 2003 (SOA 2003) is very wide, and it is not confined to offences against children. A range of offences, from rape to voyeurism, can require subsequent notification regardless of the age of the victim.

For notification purposes, conviction or caution for an offence includes conviction or caution for attempting to commit the offence, or aiding and abetting or procuring another to commit it.

For some offences, a person will only be required to notify if other conditions are met; for example, if their sentence was beyond a certain level of seriousness. These other conditions are set out in the individual offences listed in Schedule 3.

The requirement to notify the police of relevant details lasts for the time of the 'notification period' which runs from the date of conviction (or caution or the date an order was made).

The sentence received is used to calculate the period for which the offender will be subject to notification requirements. These are set as follows:

Life Imprisonment, Imprisonment for 30 months or more, imprisonment for public protection and admission to hospital under restriction order - INDEFINITELY

Imprisonment for more than 6 months but fewer than 30 months - 10 YEARS

Imprisonment for 6 months or less or admission to hospital without restriction order - 7 YEARS

Caution - 2 YEARS

Conditional Discharge - PERIOD OF CONDITIONAL DISCHARGE

Any other - 5 YEARS

It is important to remember that if the offence is of a kind which only requires notification if the sentence is greater than a given threshold, a person will have no notification requirement at all if his sentence is lower than that threshold

Finite notification periods are halved if the person is under 18 when convicted or cautioned.

Notification periods in respect of consecutive sentences (sentences which run separately, one after the other) are calculated by reference to the length of the sentences added together. Notification periods in respect of partly concurrent sentences (sentences which partly overlap) are calculated by reference to the length of the sentences added together, minus the length of the overlap between them.

A person subject to a notification requirement must generally notify the police with the relevant information within 3 days of the date of conviction, order or caution, or within 3 days of the notified information changing. It will be an offence to fail to comply with the notification requirement, punishable on conviction by indictment to imprisonment for a term not exceeding five years or a fine or both, or on summary conviction, to a fine or a maximum of six month's imprisonment or both.

The act includes provisions so that notification requirements may be imposed even if the offence was committed before the SOA 2003 came into force. The European Court of Human Rights has held that the notification requirement does not amount to a penalty, and so does not breach Article 7 of the Convention. The notification requirement can also arise in respect of some sexual offences committed outside the UK.

Disclosure and use of information contained on this register will be governed by the same principles set out above and, in particular, the right to respect for privacy contained in Article 8 of the Convention.

The SOA 2003 abolishes offences of consensual sexual activity between men of consenting age, and makes provision to abolish notification requirements for those previously convicted or cautioned in relation to sexual activity with a man who was aged 16 or over at the time. A person who was subject to a notification requirement for one of these offences in the past may apply to the Home Secretary for a decision to be taken as to whether or not the notification requirements should continue to apply. In making the decision, the Home Secretary must consider any representations included in the application, and any available record of the investigation of the offence and of any proceedings relating to it that appear to him to be relevant. He is not, however, to seek evidence from any witness. Further guidance on this procedure can be obtained from looking at Home Office Circular 19/2004: 'The Removal of Offenders Convicted of Buggery and Indecency Between Men from The 'Sex Offender Register' (Schedule 4, Sexual Offences Act 2003)'. The High Court has the power to hear an appeal against the Home Secretary's refusal to discontinue a person's notification requirement under this procedure.