

BREACH OF SEXUAL OFFENCES NOTIFICATION REQUIREMENTS

Sexual Offences Act 2003

91. – (1) A person commits an offence if he—

- (a) fails, without reasonable excuse, to comply with section 83(1), 84(1), 84(4)(b), 85(1), 87(4) or 89(2)(b) or any requirement imposed by regulations made under section 86(1); or
- (b) notifies to the police, in purported compliance with section 83(1), 84(1) or 85(1) or any requirement imposed by regulations made under section 86(1), any information which he knows to be false.

Maximum Sentence:

Sexual Offences Act 2003, s.91(2)

Indictment: 5 years imprisonment

Summary: 6 months imprisonment and/or the statutory maximum fine (£5,000)

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Negligent or inadvertent failure to comply with requirements	Community Order	Fine to Community Order
Deliberate failure to comply with requirements OR supply of information known to be false	2 months Custody	Community Order to 4 months custody
Conduct as described in box above AND long period of non-compliance OR attempts to avoid detection	4 months Custody	Community Order to 6 months Custody

Examples of Possible Aggravating Factors of Offence

N/A

Examples of Possible Mitigating Factor of Offence

1. Genuine misunderstanding

Relevant Cases:

NI Cases:

1. DPP v King [2007] NIMag 1

English Cases

N/A

Notes: