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TO

Amend the Sexual Offences Act 2003 to give the police powers to enter specified premises in order to ascertain whether a person subject to the notification requirements of Part 2 of that Act is residing at or staying on those premises and to search those premises for information relevant to section 67 of the Criminal Justice and Court Services Act 2000, and to create offences in connection with the exercise of those powers.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of the Sexual Offences Act 2003

- (1) The Sexual Offences Act 2003 (c. 42) is amended as follows.
- (2) After section 129 insert—

“Police powers of entry, search, etc.

129A Police powers of entry, search, etc.

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- (1) A police officer may enter premises to which this section applies for the purposes of—
 - (a) ascertaining whether the relevant person is residing at or staying on those premises,
 - (b) searching the premises for information that will assist the responsible authority in the exercise of its functions under section 325 of the Criminal Justice Act 2003 (arrangements for assessing etc. risks posed by certain offenders).
- (2) This section applies to premises within England and Wales the address of which has been notified to the police in accordance with the notification requirements of this Part and which is either—
 - (a) the home address of the relevant person, or
 - (b) the address of any other premises in the United Kingdom at which, at the time the notification is given, the relevant person regularly resides or stays.

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- (3) In this section and section 129B, ‘the relevant person’ means a person –
- (a) who is for the time being subject to the notification requirements of this Part;
 - (b) who is convicted of an offence to which subsection (4) applies; and
 - (c) who has notified the police of the address of the premises in relation to which the powers under subsection (1) are to be exercised;
- but to whom subsection (5) does not apply. 5
- (4) This subsection applies to – 10
- (a) an offence listed in paragraphs 1, 4 to 9, 16 to 18, 25 to 28, 30, 31, 33, 34, 36 to 43, 47 to 50, 53, 54, 56 to 68, 70 to 76, 80, 81, 83 to 91 and 93 of Schedule 3 committed in relation to a person under the age of 16, and
 - (b) an offence listed in paragraphs 2, 3, 10 to 15, 19 to 24, 29, 44 to 46, 51, 52, 55, 69, 77 to 79 and 82 of that Schedule, 15
- and paragraphs 94 to 98 of that Schedule apply for the construction of this subsection as they apply for the construction of that Schedule.
- (5) This subsection applies to a person who is –
- (a) remanded in or committed to custody by an order of the court, 20
 - (b) serving a sentence of imprisonment or a term of service detention,
 - (c) detained in a hospital, or
 - (d) outside the United Kingdom.
- (6) The Secretary of State may by order amend subsection (4) in consequence of an amendment to Schedule 3 in exercise of powers under section 130. 25
- (7) In this section, ‘responsible authority’ has the same meaning as in section 325(1) of the Criminal Justice Act 2003 (meaning of “relevant sexual or violent offender” and “responsible authority”). 30

129B Offences relating to powers of entry, search, etc.

- (1) A relevant person commits an offence if, without reasonable excuse, he obstructs a police officer –
- (a) entering, or seeking to enter, premises in the exercise of powers under section 129A(1); 35
 - (b) seeking to ascertain whether the relevant person is residing at or staying on the premises that the police officer has lawfully entered; or
 - (c) searching, or seeking to search, the premises that the police officer has lawfully entered for information in the exercise of powers under section 129A(1). 40
- (2) A person guilty of an offence under this section is liable –
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both; 45
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.”

- (3) In section 138(2) (orders subject to affirmative resolution procedure), after “86”, insert “129A(6)”.
- (4) In section 142(2)(c) (provisions that do not extend to Northern Ireland), after the words “Part 2”, insert the words “except sections 129A and 129B”.
- (5) In section 142(3)(a) (provisions of Part 2 that do not extend to Scotland), after “93”, insert the words “129A and 129B”.

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2 Short title and extent

- (1) This Act may be cited as the Sexual Offences Act 2003 (Amendment) Act 2005.
- (2) This Act extends to England and Wales only.

Sexual Offences Act 2003 (Amendment) Bill

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To amend the Sexual Offences Act 2003 to give the police powers to enter specified premises in order to ascertain whether a person subject to the notification requirements of Part 2 of that Act is residing at or staying on those premises and to search those premises for information relevant to section 67 of the Criminal Justice and Court Services Act 2000, and to create offences in connection with the exercise of those powers.

*Presented by Sir Paul Beresford
supported by
Vera Baird, Mr Dominic Grieve,
Mr Humfrey Malins, Mr John Randall,
John Cryer and Mr Neil Gerrard.*

*Ordered, by The House of Commons,
to be printed, 12th January 2005.*

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