



Criminal Justice Act 2003

2003 CHAPTER 44

PART 13

MISCELLANEOUS

Assessing etc. risks posed by sexual or violent offenders

327 Section 325: interpretation

- (1) For the purposes of section 325, a person is a relevant sexual or violent offender if he falls within one or more of [^{F1}subsections (2) to (4)].
- (2) A person falls within this subsection if he is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (c. 42).
- (3) A person falls within this subsection if—
 - (a) he [^{F2}has been] convicted by a court in England or Wales of murder or an offence specified in [^{F3}Part 1 or 2 of] Schedule 15 [^{F4}or in subsection (4A) below], and
 - (b) one of the following sentences [^{F5}was] imposed on him in respect of the conviction—
 - (i) a sentence of imprisonment for [^{F6}that is not for a term of less than 12 months],
 - (ii) a sentence of detention in a young offender institution for a term of 12 months or more,
 - (iii) a sentence of detention during Her Majesty's pleasure,
 - (iv) a sentence of detention for public protection under section 226,
 - (v) a sentence of detention for a period of 12 months or more under section 91 of [^{F7}the Powers of Criminal Courts (Sentencing) Act 2000 or under section 250 [^{F8}or 252A] of the Sentencing Code] (offenders under 18 convicted of certain serious offences),

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- [^{F9}(va) a sentence of custody for life under section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000 or under section 272 or 275 of the Sentencing Code,]
- (vi) a sentence of detention under section [^{F10}226B or] 228 [^{F11}or under section 254 of the Sentencing Code],
- (vii) a detention and training order for a term of 12 months or more, or
- (viii) a hospital or guardianship order within the meaning of the Mental Health Act 1983 (c. 20).

(4) A person falls within this subsection if—

- (a) he is found not guilty by a court in England and Wales of murder or an offence specified in [^{F12}Part 1 or 2 of] Schedule 15 [^{F13}or in subsection (4A) below] by reason of insanity or to be under a disability and to have done the act charged against him in respect of such an offence, and
- (b) one of the following orders is made in respect of the act charged against him as the offence—
 - (i) an order that he be admitted to hospital, or
 - (ii) a guardianship order within the meaning of the Mental Health Act 1983.

[^{F14}(4A) The offences specified in this subsection are—

- (a) an offence under section 1 of the Child Abduction Act 1984 (abduction of child by parent);
- (b) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (trafficking people for exploitation), where the offence is committed against a child;
- (c) an offence under section 4(3) of the Misuse of Drugs Act 1971 where the offence is committed by—
 - (i) supplying or offering to supply a Class A drug to a child,
 - (ii) being concerned in the supplying of such a drug to a child, or
 - (iii) being concerned in the making to a child of an offer to supply such a drug;
- (d) an offence of aiding, abetting, counselling, procuring or inciting the commission of an offence specified in this subsection;
- (e) an offence of conspiring to commit an offence so specified;
- (f) an offence of attempting to commit an offence so specified.]

[^{F15}(4B) For the purposes of section 325, a person is a relevant terrorist offender if the person falls within one or both of subsections (4C) and (4D).

(4C) A person falls within this subsection if the person is subject to the notification requirements of Part 4 of the Counter-Terrorism Act 2008.

(4D) A person falls within this subsection if the person has been convicted of and sentenced for a relevant terrorist offence, or otherwise dealt within in relation to such an offence, as described in—

- (a) paragraph (a) or (b) of section 45(1) of the Counter-Terrorism Act 2008,
- (b) paragraph (a) or (b) of section 45(2) of that Act,
- (c) paragraph (a) or (b) of section 45(3) of that Act, or
- (d) paragraph (a) or (b) of paragraph 5(1) of Schedule 6 to that Act.

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- (4E) For the purposes of subsection (4D)—
- (a) any reference in the Counter-Terrorism Act 2008 to an offence to which Part 4 of that Act applies is to be read as if it were a reference to a relevant terrorist offence, and
 - (b) any reference in that Act to a hospital order is to be read as if it included a guardianship order within the meaning of the Mental Health Act 1983 or the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)).

- (4F) In subsections (4D) and (4E) “relevant terrorist offence” means—
- (a) an offence specified in Part 1 or 2 of Schedule 19ZA (terrorism offences punishable with imprisonment for life or for more than two years),
 - (b) a service offence as respects which the corresponding civil offence is so specified, or
 - (c) an offence which was determined to have a terrorist connection (see subsection (4G));
- and in paragraph (b) “service offence” and “corresponding civil offence” have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act).

- (4G) For the purposes of subsection (4F)(c), an offence was determined to have a terrorist connection if it was—
- (a) determined to have a terrorist connection under—
 - (i) section 69 of the Sentencing Code (including as applied by section 238(6) of the Armed Forces Act 2006),
 - (ii) section 30 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in England and Wales before the Sentencing Code applied, or an offender sentenced in Northern Ireland but now capable of posing a risk in an area in England and Wales), or
 - (iii) section 32 of that Act (in the case of a person sentenced for a service offence before the Sentencing Code applied), or
 - (b) proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Scotland but now capable of posing a risk in an area in England and Wales).]

^{F16}(5)

- (6) In this section^{F17}—
- "child" means a person under 18;]
 - “court” does not include a service court, as defined by section 305(1).

Textual Amendments

- F1** Words in s. 327(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 83(2)**, 115(3)(j)
- F2** Words in s. 327(3)(a) substituted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 189(8)(a)(i)**, 208(4)(x)
- F3** Words in s. 327(3)(a) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 189(8)(a)(ii)**, 208(4)(x)
- F4** Words in s. 327(3)(a) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 83(3)**, 115(3)(j)
- F5** Word in s. 327(3)(b) substituted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 189(8)(b)(i)**, 208(4)(x)

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- F6** Words in s. 327(3)(b)(i) substituted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(8)(b)(ii)**, 208(4)(x)
- F7** Words in s. 327(3)(b)(v) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 244(a)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F8** Words in s. 327(3)(b)(v) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 21(9)**
- F9** S. 327(3)(b)(va) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(8)(b)(iii)**, 208(4)(x)
- F10** Words in s. 327(3)(b)(vi) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 21 para. 29**; S.I. 2012/2906, art. 2(s)
- F11** Words in s. 327(3)(b)(vi) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 244(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F12** Words in s. 327(4)(a) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(9)**, 208(4)(x)
- F13** Words in s. 327(4)(a) inserted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 83(4)**, 115(3)(j)
- F14** S. 327(4A) inserted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 83(5)**, 115(3)(j)
- F15** S. 327(4B)-(4G) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 189(10)**, 208(4)(x)
- F16** S. 327(5) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), **ss. 83(6)**, 115(3)(j)
- F17** Words in s. 327(6) inserted (26.5.2015) by Deregulation Act 2015 (c. 20), **ss. 83(7)**, 115(3)(j)

Commencement Information

- I1** S. 327 wholly in force at 5.4.2004, see s. 336(3) and S.I. 2004/829, **art. 2(1)(2)** (subject to art. 2(3)-(6))

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

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. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))

- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)