



Department of Home Affairs

Rheynn Cooishyn Sthie

Isle of Man
Government

Reiltys Ellan Vannin

GUIDANCE ON REVIEW OF INDEFINITE NOTIFICATION REQUIREMENTS ISSUED UNDER SECTION 168 OF THE SEXUAL OFFENCES AND OBSCENE PUBLICATIONS ACT 2021

Contents

Introduction.....	3
Current arrangements	4
Advising an offender of their notification period.....	4
Review mechanism.....	5
Principles	5
Relocation and other jurisdictions.....	5
The Process.....	6
Who is eligible to apply for review (section 163)	7
Stage 1: Application and Acknowledgement (section 164)	8
Engagement with relevant offenders	8
Qualifying dates (section 164).....	8
Making an application	8
Application - Acknowledgment and notice to responsible bodies (section 164)	9
Stage 2: Review and Determination (sections 165 and 166).....	10
Review of application	10
Factors for determination (section 166(2))	10
Overseas convictions findings or cautions	11
Recording the determination	11
Standard checks	12
Information from responsible bodies.....	12
Assessment of sexual harm and risk assessment tool.....	12
Stage 3: Decision.....	14
Determination of review (Section 165)	14
Discharge of notification	14
Continuation of notification	14
Consulting with victims	15
Communicating a determination	15
Stage 4: Appeals Process (section 167).....	16
Stage 5: Further Review Periods (section 164)	17
Maintaining records	17
Frequently Asked Questions.....	18
Definitions	19

Introduction

- 1.1 This statutory guidance is issued by the Department of Home Affairs (“the Department”) under section 168 of the Sexual Offences and Obscene Publications Act 2021 (“the 2021 Act”). It provides guidance to the Chief Constable (“the police”) in relation to the new process for reviewing the indefinite notification requirements applying to registered sex offenders under the 2021 Act.
- 1.2 As well as comprising guidance to the police, it is intended to assist other practitioners and agency partners, who are responsible for the management of offenders in the community, in their understanding and application of the new legislation.
- 1.3 Recipients of this guidance are expected to:
 - note and put into operation the review process; and
 - consider whether any changes to their established procedures are required as a result of this guidance and communicate these to staff.
- 1.4 The police are asked to communicate the changes to relevant offenders living within the Island.
- 1.5 If you have any queries regarding this guidance, please contact: generalenquiries.dha@gov.im or 01624 694300.

Current arrangements

- 2.1 Offenders who are sentenced to a term of imprisonment of less than 30 months will be subject to notification requirements for a fixed period of up to 10 years, in accordance with the 2021 Act (see table). The periods for which an individual is subject to the notification requirements are halved for offenders who are under 18 on the date of conviction, caution, or other finding.
- 2.2 Offenders subject to notification for a fixed period (as described above) will have to comply with the notification requirements for the full term. Only those offenders subject to notification for an indefinite period (commonly referred to as lifetime registration) will be eligible to seek a review once a fixed period has elapsed; for adults this will be 15 years and for children and young persons it will be 8 years.
- 2.3 The period for which an offender is subject to the notification requirements is prescribed by section 153 of the 2021 Act; neither the police nor the judiciary have any discretion in this matter.

Where the (adult) offender is:	Notification Period (which begins on the "relevant date"):
Sentenced to imprisonment for life or to a term of 30 months or more	An indefinite period
Detained in a hospital subject to a restriction order	An indefinite period
Sentenced to imprisonment for more than 6 months but less than 30 months imprisonment	10 years
Sentenced to imprisonment for 6 months or less	7 years
Detained in a hospital without being subject to a restriction order	7 years
Caution	2 years
Conditional discharge	The period of the conditional discharge
Any other description (i.e. community sentence, fine)	5 years

- 2.4 The "relevant date" means the date of the conviction, finding or caution of the person. The 2021 Act requires offenders subject to the notification requirements to notify to the police certain personal details and information, including (but not limited to) their name, address, date of birth and national insurance number (see section 154 of the 2021 Act and the Sexual Offences and Obscene Publications (Notification Requirement) Regulations 2024 ("the 2024 Regulations") for the full list of notification requirements). This is done initially (usually following release from custody), annually or whenever their details change.

Advising an offender of their notification period

- 2.5 Offenders should be advised by the court at the time of sentencing of the length of

GD 2024/0012

time they will be subject to notification requirements. However, offender manager should ensure that offenders have been correctly advised of the length of time for which they will be required to notify.

Review mechanism

- 2.6 Offenders who are subject to the notification requirements under Part 10 of the 2021 Act for an indefinite period have the opportunity to apply for a review by the Chief Constable under section 163 of the 2021 Act. Offenders will only be eligible to apply for a review after a fixed period has elapsed.
- 2.7 Offenders who are subject to a sexual harm prevention order under section 181 of the 2021 Act or an interim sexual harm prevention order under section 187 are not able to apply for a review of an indefinite notification requirement.
- 2.8 Offenders are not automatically released from the notification requirements; the police must be satisfied that they no longer pose a risk, or a sufficient risk.

Principles

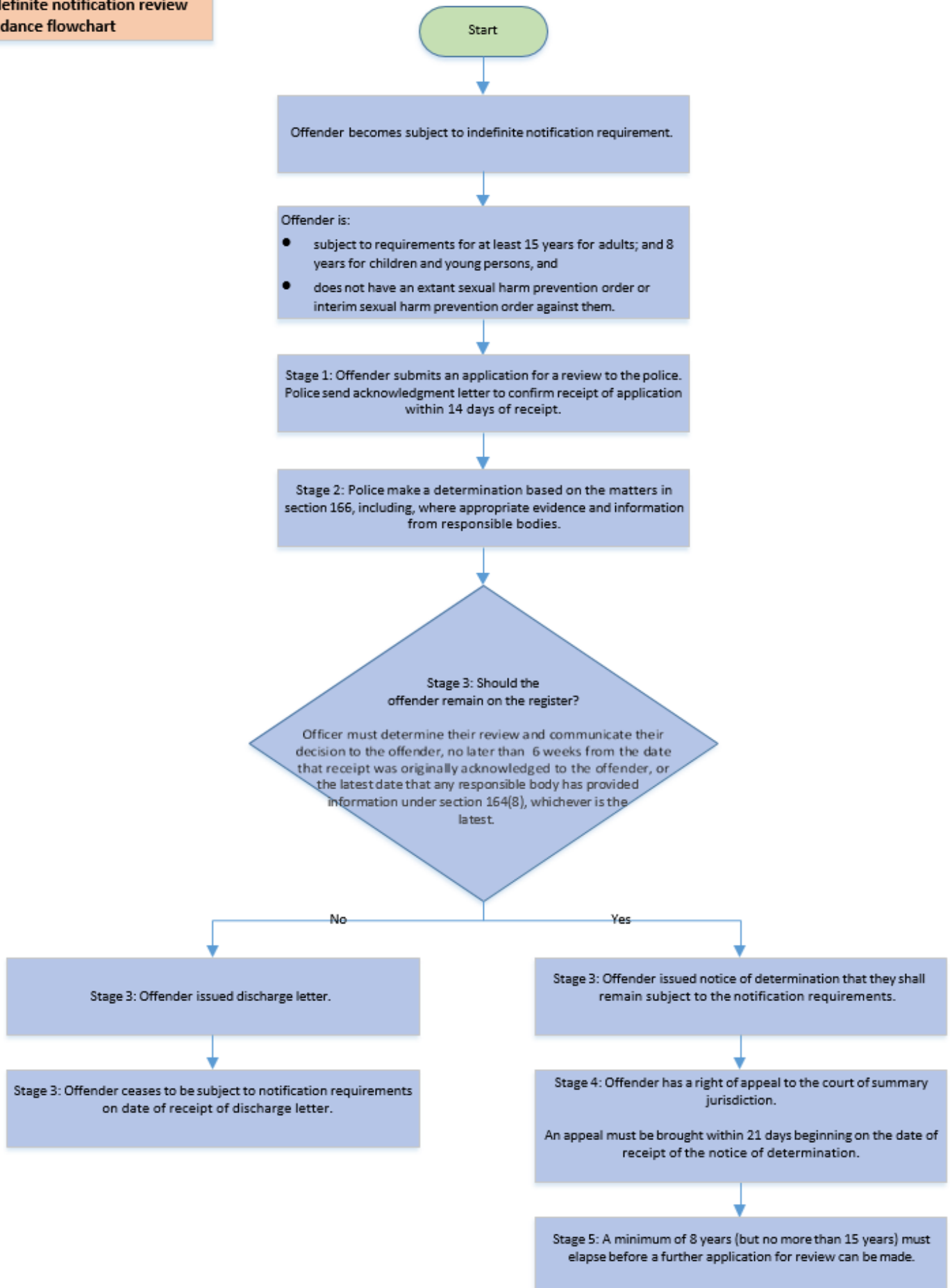
- 2.9 The principles of the notification requirements remain. They continue to be an effective and legitimate tool for police to manage offenders in the community.
- 2.10 The introduction of a right to apply for a review of the requirements does not equate to a right to be automatically removed from the register. The police are required to consider a range of matters and factors, which include any representations from responsible bodies and victims.
- 2.11 A central aim of this guidance is to ensure fairness and consistency on the part of those responsible for undertaking the review, and in their application of the test to be applied by the police.
- 2.12 Public protection remains a priority and the Department will continue to work with the police and other agency partners to ensure community safety.

Relocation and other jurisdictions

- 2.13 Regarding offenders who meet the conditions of section 173 of the 2021 Act, who relocate and take up residence on the Isle of Man, the management of such offenders will become subject to the notification requirements on the Island.
- 2.14 Offenders are required by the notification requirements to inform the police of any changes to the information they have provided about their residence arrangements (they must do so within 3 days of the change occurring).
- 2.15 In the event that an offender notifies police of a new address which would result in that offender being managed by the police in a new area, the police in the existing area will update the Isle of Man Constabulary, who will update appropriate systems, to reflect the change to the offender's residence and transfer the case.

Indefinite notification review guidance flowchart

The Process



Who is eligible to apply for review (section 163)

- 3.1 Offenders subject to indefinite notification can seek a review to determine whether they can cease to be subject to those requirements.
- 3.2 Offenders must also not be subject to any extant sexual harm prevention orders or interim sexual harm orders at the time in order to apply for a review of indefinite notification requirements.
- 3.3 Individuals subject to indefinite notification will only become eligible to seek a review once they have been subject to the indefinite notification requirements for a period of at least 15 years for adults and 8 years for children and young persons.
- 3.4 The 'process map' may be used by the police as a tool to assist in the steps taken during each review application

Stage 1: Application and Acknowledgement (section 164)

Engagement with relevant offenders

- 4.1 This is an applicant led process. The onus is on the individual offender to remain up to date, in relation to the obligations and requirements whilst under management.

Qualifying dates (section 164)

- 4.2 The date on which a relevant offender can apply for an application is referred to as the qualifying date and is defined as the day after the end of the 15 year period, calculated from the day on which the offender gives the relevant notification as defined in section 164(9) of the 2021 Act.
- 4.3 In the case of a relevant offender who is aged under 18 years on the relevant date, the period will be 8 years.
- 4.4 If the police make a determination under section 165 which results in the offender remaining subject to notification, the offender will become eligible to apply for a further review.
- 4.5 The date on which an offender may seek a further review is called the further qualifying date, and is a minimum period of 8 years (if considered necessary by the police, this period can be extended to a period up to but not exceeding 15 years).
- 4.6 The further qualifying date will be the day after the end of the 8 year or longer period (up to 15 years) and will be calculated from the date of determination.

Making an application

- 4.7 This is an applicant led process; offenders will not be automatically removed from the register.
- 4.8 Offenders must be advised to continue to comply with their notification requirements until they receive written notice from the police that those requirements have ceased.
- 4.9 Section 164 prescribes the process and other matters relevant to the application for review.
- 4.10 A relevant offender will be required to make an application to the police in accordance with the most recent notification under section 155 or 156.
- 4.11 In the event that an offender has been residing or staying in the Island and a police area in the UK, in the relevant 12 month period, for an equal number of days, the offender may choose the area to which the application be made. This should involve dialogue with respective offender managers from each of the

respective areas.

- 4.12 An application must be made in writing and should be made using the application form to seek a review of indefinite notification requirements under the 2021 Act.

Application - Acknowledgment and notice to responsible bodies (section 164)

- 4.13 An application for a review must be acknowledged by the police within 14 days of receipt.
- 4.14 On receipt of an application for review, the police may notify one or more responsible bodies that the application has been made.
- 4.15 In the event that a responsible body is notified of an application and holds information considered to be relevant to the application, that body must in accordance with section 168(8) provide the police with the information within 28 days of being notified.

Stage 2: Review and Determination (sections 165 and 166)

Review of application

- 5.1 Section 165 provides that a qualifying relevant offender must satisfy the police that it is not necessary for the purpose of protecting the public or any particular members of the public from sexual harm for the qualifying relevant offender to remain subject to the indefinite notification requirements.
- 5.2 An offender must, therefore, provide with the application reasons for seeking the review which should be supported by as much information and evidence the offender considers relevant to the criteria described above.
- 5.3 As Stage 1 of this guidance indicates, the application must be made in writing and the police should be prepared to remind applicants of this requirement.
- 5.4 In making a determination, the police must consider the matters set out in section 166(1). In doing so, the police must:
 - (a) have regard to any information received from a responsible authority;
 - (b) consider the risk of sexual harm posed by the offender and the effect on the offender of continuing to remain subject to the notification requirements; and
 - (c) the factors set out in section 166(2).
- 5.5 Offenders are responsible for detailing in their application any factors which are relevant to the effect on them of remaining subject to the notification requirements.

Factors for determination (section 166(2))

- 5.6 Section 166(2) lists the factors which the police must take into account when determining an application for review. This is not an exhaustive list but is intended to provide police with an evidential framework with which they can assess the risk posed by the applicant and the effect on that applicant of continuing to be subject to the requirements. The factors are:
 - (a) the seriousness of the offence in relation to which the qualifying relevant offender became subject to the indefinite notification requirements;
 - (b) the period which has elapsed since the qualifying relevant offender committed the offence (or other offences);
 - (c) where the qualifying relevant offender falls within section 152(1), whether the qualifying relevant offender committed any offence under paragraph 4 of Schedule 1 to the Criminal Justice Act 2001;
 - (d) whether the qualifying relevant offender has committed any offence under section 162;
 - (e) the age of the qualifying relevant offender at the qualifying date or further qualifying date;
 - (f) the age of the qualifying relevant offender at the time the offence referred to in paragraph (a) was committed;

GD 2024/0012

- (g) the age of any person who was victim of any such offence (where applicable) and the difference in age between the victim and the qualifying relevant offender at the time the offence was committed;
- (h) any submission or evidence from a victim of the offence giving rise to the indefinite notification requirements;
- (i) any convictions or findings made by a court (including by a court outside the Island) in respect of the qualifying relevant offender for any offence listed in Schedule 3 to the 2021 Act other than the one referred to in paragraph (a);
- (j) any caution which the qualifying relevant offender has received for an offence (including for an offence outside the Island) which is listed in Schedule 3 to the 2021 Act;
- (k) any convictions or findings made by a court outside the Island in respect of the qualifying relevant offender for any offence listed in Schedule 4 to the 2021 Act where the behaviour of the qualifying relevant offender since the date of such conviction or finding indicates a risk of sexual harm;
- (l) any other submission or evidence of the risk of sexual harm posed by the qualifying relevant offender; and
- (m) any evidence presented by or on behalf of the qualifying relevant offender which demonstrates that the qualifying relevant offender does not pose a risk of sexual harm, which may include evidence of positive changes in the qualifying relevant offender's lifestyle and any relevant treatment programmes the qualifying relevant offender has undertaken.

5.7 It would be considered best practice for the police to give consideration to risk assessments and records of any multi-agency meetings held by the risk managers in advance of considering an application for review, this should inform the police as to what responsible bodies (if any) from whom they can obtain relevant information.

Overseas convictions findings or cautions

5.8 An act committed outside the Island will be treated as an offence if —

- (a) it constituted an offence under the law in the country concerned; and
- (b) it would have constituted an offence listed in Schedule 3 or 4 to the 2021 Act, if it had occurred in the Island.

5.9 Where an act committed outside the Island has not resulted in a conviction, caution or finding (in accordance with the approach outlined above), the police may also consider the behaviours exhibited by the relevant offender in relation to the act in question.

Recording the determination

5.10 The police should make a written record of their consideration of the matters described above to ensure that they can demonstrate that they have applied the proper test and applied relevant factors and matters.

5.11 Factors, other than those set out in section 166 (1) and (2), which have been considered as relevant should also be recorded. In the event that an offender appeals the police determination to the court of summary jurisdiction, the court is likely to want to understand the process by which the police made the

GD 2024/0012

determination and this will include an assessment of the factors and other matters the police took into account.

Standard checks

- 5.12 The police will need to undertake a number of checks at the initial stage of their review. CONNECT, the Police National Database, PNC and the last police Force (including of another jurisdiction) the offender was registered with should be checked to verify that the offender is eligible to make an application for review in accordance with the prescribed criteria.
- 5.13 These initial checks will also provide background information regarding the management of the case to date, which may indicate further factors (if any) for consideration.

Information from responsible bodies

- 5.14 One or more of the responsible bodies are expected to be able to provide the police with information or evidence which is relevant to the determination process. When notifying any responsible body that an application has been made or consideration is being given to information provided to them as a result of such a notification, the police must note that any information about an applicant (including any information in relation to an application for review) is personal data or sensitive personal data. As such, it must be obtained, processed and retained in accordance with data protection law. The police should, therefore, consider whether it is appropriate or necessary to engage with bodies that have a current or previous interest or involvement in the management of the offender.
- 5.15 Where a responsible body provides information to the police which indicates a risk, the police should consider engaging with other bodies to obtain further information relating to the area of concern and whether it is appropriate that the offender should cease to be subject to the indefinite notification requirements.
- 5.16 In the event that the police notify a responsible body that an application has been made, this should ordinarily be given in writing. It is accepted that written communication may not be feasible in all circumstances; in this instance, the fact of the communication should be recorded in writing as well as the end date of the 28 day time period for receipt of a response (section 164(8) of the 2021 Act).
- 5.17 Where a Manx Public Protection Arrangements (M-PPA) meeting is due to take place during the period when the police are considering an application for review, it could be considered good practice to use this forum to communicate to responsible bodies that the application has been made and to request any information relevant to it. Minutes from the M-PPA meeting would provide a record of the formal notification and request for information.

Assessment of sexual harm and risk assessment tool

- 5.18 The outcome of the review will, in many cases, be largely determined by the police assessment of the risk of sexual harm posed by an individual. There are a number of tools which can assist in making this assessment.
- 5.19 The actual risk of sexual harm that an individual presents is related to certain dynamic psychological factors (i.e. they may be subject to change over time) as well as the static historic factors. There are also personal and environmental factors that research demonstrates may reduce the likelihood of sexual harm, known as protective factors.

- 5.20 Where such information is available, the offender's current situation and risks should be compared with this past information. Change in a positive direction, combined with there being no intelligence that would lead to the conclusion the offender is still a sexual risk, along with the presence of protective factors such as stable accommodation; work; and supportive relationships may lead to a conclusion that registration is no longer required to manage the offender's risk of sexual harm.
- 5.21 The police may wish to give consideration to the reoffending behaviours of female offenders during an assessment of risk. Research indicates that the reoffending rate of women is significantly lower, but it should be noted that women will typically have increased opportunity for engagement with children due to their social engagement patterns.

Stage 3: Decision

Determination of review (Section 165)

- 6.1 Following the receipt of notification from the police of an application for review, responsible bodies must, within 28 days of the notification, provide information to the police which they consider relevant to the assessment of the risk of sexual harm.
- 6.2 The police must determine the application for review and give notice of that determination to the offender within 6 weeks of the date on which receipt of the application was acknowledged to the offender or 6 weeks from the date on which the police were provided with information by a responsible body, whichever is the later.

Discharge of notification

- 6.3 If it is considered that, taking into account the matters set out in section 166 (described above), the offender has been able to satisfy the police that it is not necessary for the purpose of protecting the public from the risk of sexual harm for that offender to remain subject to indefinite notification requirements he or she should be issued with a discharge letter.
- 6.4 In this case, the offender will cease to be subject to notification requirements on the date of receipt of the notice of determination.

Continuation of notification

- 6.5 In the event that the offender is considered to continue to pose a risk of sexual harm and the police determine that the offender should remain subject to indefinite notification requirements, the offender should be given a notice of determination.
- 6.6 The notice of determination must contain a statement of reasons for the decision to ensure that the applicant is aware, for example, that subsequent offences or behaviours exhibited since the offender became subject to notification were relevant to the determination.
- 6.7 The examples given above are not exhaustive and the statement of reasons should make specific reference to all the matters set out in section 166 (as well as in the above chapter).
- 6.8 In the event that intelligence has been a factor, the police should give consideration as to whether it is appropriate for the intelligence to be disclosed in accordance with the requirements of the data protection laws, in particular where it contains information regarding a third party or may result in an individual being put at risk.
- 6.9 The police must inform offenders of their appeal rights. When doing so, police should, as a matter of good practice, also advise offender that if they appeal, they remain subject to the indefinite notification requirements until the date of an order of the court (if made) that the offender should not remain subject to the indefinite notification requirements. Further guidance in relation to the appeal can be found in the stage 4 (appeals) chapter of this document.
- 6.10 The police must inform the offender of any further qualifying date (see the stage 5

GD 2024/0012

chapter of this document).

- 6.11 Offender managers should ensure that offenders understand that, subject to any appeal they can bring, they remain subject to indefinite notification requirements and will continue to do so until there is a decision to the contrary as a result of any future review.

Consulting with victims

- 6.12 Protecting the public from the risk of sexual harm and preventing members of the community from becoming victims is a priority, as is the welfare of existing victims. It is essential that this focus is maintained throughout the review process.
- 6.13 Section 166(2)(h) provides for any submission or evidence from a victim of the offence giving rise to the indefinite notification requirements. The Department recognises that there are practical difficulties associated with locating existing victims, which will be further complicated by the length of time which will have elapsed since conviction and sentencing. In addition, it is important to remember that many victims will have chosen to rebuild their lives and may not want a reminder of the past. That is why the decision to consult with a victim should be taken by the police, on a case by case basis. Moreover, any disclosure of information to third parties (which includes victims) must comply with data protection laws and the police are expected to include these considerations in their case by case assessment.
- 6.14 To reduce these practical difficulties, victims will be given the opportunity to register their interest in providing any submission or evidence with the police. Following sentencing of the offender, victims will be informed of their ability to provide a submission in the event of a review being sought; where they choose to do so they will register their interest and provide police with their contact details.
- 6.15 It should be noted that the legislation only requires the police to consider as a factor any evidence or submission from victims of the offence giving rise to the relevant offender becoming subject to indefinite notification. Any evidence from victims of other offences committed by the offender (whether prior to or after the relevant index offence) is not a factor which the police are required to consider under section 166(2)(h), although it may be a relevant factor in the determination.
- 6.16 However, Section 166(2)(l) provides for any submission or evidence of the risk of sexual harm. If the police regard the submission or evidence presented by victims of a non-index crime to be relevant to the assessment of risk it may be given consideration under the aforementioned section. The police should remain sensitive to this issue, in the event that a victim of the non-index crime wishes to provide evidence.

Communicating a determination

- 6.17 The decision to communicate a determination to victim(s) should be taken on a case by case basis.
- 6.18 The decision to contact a victim in relation to a review or the determination of a review should be taken by the police, having regard to the sensitivities around this as well as the requirement on the police to comply with their duties under data protection law.

Stage 4: Appeals Process (section 167)

- 7.1 Offenders who believe that they have grounds to challenge the determination made by the police have a right of appeal to a court of summary jurisdiction ("the court").
- 7.2 Offenders who express their intention to appeal should also be advised that they will be liable to pay a court fee, and may also be liable to pay costs of the appeal should it be dismissed.
- 7.3 Offenders will have a period of 21 days beginning with the day on which they received the notice of determination to bring such appeal. They may do so by way of a complaint to the court.
- 7.4 Offenders who appeal to the court should be advised at the time that they are informed of their right of appeal, that they will remain subject to the indefinite notification requirements whilst their appeal is outstanding and awaiting determination by the court, and they will only cease to be subject to those requirements if the court allows their appeal. In those circumstances, the offender ceases to be subject to the requirements on the date on which the court makes an order allowing the appeal.
- 7.5 It should be noted that there is no prescribed onward right of appeal from the decision of the court in the 2021 Act.
- 7.6 It is a matter for offenders as to whether they seek their own legal advice in relation to an appeal to the court.
- 7.7 In any appeal to the court, the police will be the 'respondent'.
- 7.8 The police should be prepared to demonstrate to the court the matters they took into account in making their determination, including their consideration of the matters set out in section 166(1) and the factors set out in section 166(2).

Stage 5: Further Review Periods (section 164)

- 8.1 If the police determine that the offender's application should be refused on the basis of their assessment that the applicant does continue to pose a sufficient risk of sexual harm, the offender will continue to remain subject to indefinite notification requirements in accordance with the 2021 Act.
- 8.2 Offenders will be eligible to seek a further review of their indefinite notification requirements following the expiry of an additional period. This will be a minimum 8 year period but must not exceed a period of 15 years. This is explained further in the 'qualifying and further qualifying dates' section of this guidance.

Maintaining records

- 8.3 The police use CONNECT to record visits and contact with offenders and as a document management and storage tool.
- 8.4 Following a review under this section, comprehensive records must be made of the decision making process, detailing the sources of information used. This allows the decision making officer to exhibit that consideration of all factors and evidence has been given in alignment with the review criteria as prescribed in legislation and in accordance with the considerations that should be taken into account when undertaking an assessment of current risk (i.e. dynamic risk and protective factors)
- 8.5 This record should be added to the document manager for the offender along with any other records used to make the decision.
- 8.6 Where an offender's review results in a continuation of the indefinite notification requirements making it necessary to continue management under that notification regime, the CONNECT records will remain the same and an intelligence log must be submitted to reflect that discharge has been applied for and at that time denied. The decisions can be referred to as being held in the document manager.
- 8.7 In the event that the police decide that the offender should cease to be subject to the notification requirements, CONNECT must be updated with the records of the decision making process and detailing the sources of information used. Markers should be updated with the end date and Police National Computer (PNC) updated to reflect that the offender is no longer subject to notification requirements.
- 8.8 It is imperative that details recorded on CONNECT are accurate; failure to maintain details relating to an offender and their case may cause ramifications for future management.
- 8.9 Should the police implement an alternative offender management tool in the future, the principles above remain applicable for record keeping and decision recording.

Frequently Asked Questions

Q. Who will this apply to?

- A. This policy applies only to individuals who are subject to the notification requirements for an indefinite period, under section 151(1) of the 2021 Act.

A sex offender who is sentenced to imprisonment for life or for a term of 30 months or more will be subject to the notification requirements for an indefinite period. Such offenders are able to apply for a review after a fixed period of time.

Where a person who, in respect of the offence or finding, is or has been admitted to hospital subject to a restriction order, an indefinite period of notification beginning with that date will also apply.

Q. When will an offender be able to seek a review?

- A. The 2021 Act gives the offenders the right to seek a review of their indefinite notification regime only once they have completed a minimum period subject to the notification requirements (15 years from the point of first notification following release from custody for the index offence for adults and 8 years for children and young persons), and also have no extant sexual harm prevention orders or interim sexual harm prevention orders in respect of them.

Q. How does an offender apply for a review?

- A. They must apply in writing to the Chief Constable using the relevant application form. An application form for use by an offender seeking a review of their indefinite notification requirements can be obtained from the police website and headquarters.

Q. Who conducts the review?

- A. The review is conducted by the IOM Constabulary.

Q. What will be the rank of the determining officer?

- A. The authority sits with the Chief Constable of Police which is delegated to a Superintendent to authorise all determinations. An offender manager will give consideration to the assessment of risk in accordance with the factors outlined in the legislation. All determinations will be subject to the scrutiny of a Detective Inspector and the final decision will rest with the designated authority; a Superintendent.

Q. What input will victims have in the decision to discontinue notification?

- A. Victim safety, preventing re-victimisation and avoiding the creation of new victims is fundamental to the police and other agencies' public protection role.

A range of factors will be taken into account in the review decision, including the seriousness of the offence which made an offender subject to indefinite notification requirements, the age of the victim, the difference in age between the victim and

GD 2024/0012

offender at time the offence was committed and importantly, any submission or evidence provided by the victim. There will be a robust review and assessment of the level of continuing risk posed by the individual in giving consideration to whether it would be appropriate to discontinue the individual's indefinite notification requirements.

Q. Will an offender have a right of appeal?

- A. The review mechanism provides for a right to appeal against an initial police decision to a court of summary jurisdiction. Offenders appealing to the court would be required to pay a fee to begin proceedings and may be liable for the costs of the hearing should the appeal be dismissed.

Definitions

The definitions outlined below are set out in the 2021 Act and are intended to provide a clearer understanding of the terms used in the legislation as they also appear in this guidance.

The 2021 Act: means the Sexual Offences and Obscene Publications Act 2021.

Further qualifying date: means the day after the end of the 8 year period beginning with the day the police determine an application for review (however, note that the police have the power to require an offender to remain subject to notification for a further period of up to but no longer than 15 years – see section 164(3), (4) and (5) of the 2021 Act).

Indefinite notification requirements: notification for an indefinite period by virtue of section 151 of the 2021 Act. These also apply by virtue of a notification order made under section 176(5).

Police: means the Chief Constable of the Isle of Man Constabulary.

Relevant notification: means the first notification given by the offender under section 154, 155 or 156 following the first occasion on which the offender is released from custody.

Relevant offender: means an offender who is convicted of a relevant offence, found not guilty of such an offence by reason of insanity, found to be under a disability and to have done the act charged against him in respect of such an offence, or cautioned in respect of such an offence.

Relevant offence: means an offence listed in Schedule 3 to the 2021 Act.

Responsible body: means the Department of Home Affairs and any person providing probation services in the Island for or on behalf of the Department of Home Affairs.

Risk of sexual harm: means a risk of physical or psychological harm to the public or a part of the public in the Island caused by the offender committing a relevant offence.

Qualifying date: means a date after the end of the 15 year period beginning with the day on which the offender gives the relevant notification, where the offender is aged 18 or over on the relevant date (the period is 8 years if the offender was under 18 on the relevant date).

Qualifying relevant offender: means a relevant offender who on the date of the application for review is subject to indefinite notification requirements and has no extant sexual harm prevention orders or interim sexual harm prevention orders made in respect of them.