
**NOTIFICATION OF SEXUAL OFFENCES
ORDINANCE 2008**

This is a consolidated version of this legislation i.e. it incorporates all amendments made since the legislation was enacted as set out in the table below. It has been produced by the SBAA as an aid to transparency and easier access to SBA law. However, it is not the official version of SBA legislation and, although every effort has been made to check the document, its accuracy cannot be guaranteed. The official version of legislation is published in the SBA Gazette.

Legislation incorporated in this Consolidation	Ordinance	Date in Force
Notification of Sexual Offences Ordinance 2008	17/2008	15/10/2008
Human Trafficking and Exploitation Ordinance 2009	25/2009	04/11/2009
Criminal Procedure Ordinance 2016	9/2016	01/05/2016

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SCHEDULE — List of Sexual Offences

NOTIFICATION OF SEXUAL OFFENCES
ORDINANCE 2008

An Ordinance to provide for the notification of authorities in certain countries that persons have been convicted of certain sexual offences and for related matters.

Be it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short Title

1. This Law may be cited as the Notification of Sexual Offences Ordinance 2008.

Interpretation

2. In this Ordinance—

“appropriate national authorities” means—

- (a) in the United Kingdom the Serious Organised Crime Agency and the Secretary of State for the Home Department; and
- (b) in any other country, the police or the government department responsible for the police in a country specified in an Order under section 3(8)(a)(ii);

“sexual offence” means the offences listed in the Schedule;

“transmission order” means the court order described in section 3(1).

Transmission of information to appropriate authorities

3.—(1) Subject to subsection (2), if a person (the “offender”) is convicted of a sexual offence or is found not guilty of a sexual offence by reason of insanity the Chief Constable is to apply to the Court for a transmission order requiring any of the information specified in subsection (4) to be transmitted to the appropriate national authorities of a qualifying country with which the offender appears to have a connection.

(2) Subsection (1) does not require the Chief Constable to apply for a transmission order to any qualifying country (other than the United Kingdom) if the public interest requires that a transmission order is not made.

(3) An application for a transmission order is to be made as soon as it appears to the Chief Constable that the offender has a connection with a qualifying country.

- (4) The information referred to in subsection (1) is—

- (a) the name of the offender;
- (b) notification that the offender has been convicted or found not guilty by reason of insanity of a sexual offence in the Areas;
- (c) details of the nature of that offence;
- (d) details of the sentence imposed by the Court;
- (e) details of the date on which the offender will be (or has been) released from custody; and
- (f) any information that—
 - (i) the police have in their possession which would enable the appropriate national authorities to identify the likely whereabouts of the offender;
 - (ii) would assist in preventing the offender from committing offences or which would assist in detecting any offences committed by the offender; or
 - (iii) is specified in the application to the Court.

(5) Subject to subsections (6) and (7) the Court is to make a transmission order unless it is satisfied that—

- (a) the offender does not have a connection with the country specified in the application; or
- (b) the making of such an order would result in unreasonable risk of harm to the offender.

(6) The Court may order that information which is contained in an application made under subsection (1) is transmitted subject to such conditions as it may direct so as to avoid an unreasonable risk of harm to the offender.

(7) In relation to the United Kingdom—

- (a) the Court may not refuse to make a transmission order on the ground specified in subsection (5)(b); or
- (b) the Court may not impose conditions on a transmission order to the United Kingdom under subsection (6).

(8) In this section—

- (a) a “qualifying country” means—
 - (i) the United Kingdom; or
 - (ii) such other country as the Administrator may specify in an order published in the Gazette; and
- (b) “Court” means the Court in which the offender was tried for the offences in question.

(9) An order made under subsection (8)(a)(ii) may apply to an offender whether the offence in question was committed before or after the order was made.

(10) The following additional provisions apply to transmission orders—

- (a) the qualifying country must be specified in the transmission order;
- (b) the detailed information referred to in subsection (4)(f) need not be specified in the transmission order but may be described in general terms;
- (c) a transmission order may specify more than one qualifying country.

Disclosure of information

4. Nothing in this Ordinance entitles the offender to disclosure of material or information other than as prescribed in the Criminal Procedure (Disclosure) Ordinance 2007 (**a**).

Savings

5. This ordinance is in addition to, and not in derogation of, any other powers and duties conferred by any law or custom and, subject to any express provisions in this Ordinance, all such other powers and duties may be exercised and performed in the same manner as if this Ordinance had not been passed.

(a) Ordinance 16/2007 as amended

SCHEDULE

(section 2)

List of Sexual Offences

The following offences under the Criminal Code (a)—

1. section 144 (rape);
2. section 146 (attempted rape);
3. section 147 (incest) if the victim was under 18;
4. section 147A (incest by a woman) if the victim was under 18;
5. section 148 (abduction);
6. section 151 (indecent assault on females) if—
 - (1) the victim was under 18; or
 - (2) the offender is or has been—
 - (a) sentenced to imprisonment for a term of at least 30 months; or
 - (b) ordered to be detained during the pleasure of the Administrator following a finding of not guilty by reason of insanity under ~~section 70 of the Criminal Procedure Ordinance~~ *section 102 of the Criminal Procedure Ordinance 2016 (acquittal on grounds of insanity)*; (c); (d)
7. section 152 (indecent assault on males) if—
 - (1) the victim was under 18; or
 - (2) the offender is or has been—
 - (a) sentenced to imprisonment for a term of at least 30 months; or
 - (b) ordered to be detained during the pleasure of the Administrator following a finding of not guilty by reason of insanity under ~~section 70 of the Criminal Procedure Ordinance~~ *section 102 of the Criminal Procedure Ordinance 2016 (acquittal on grounds of insanity)*; (e)
8. section 153 (defilement of girls under 13 years of age);
9. section 154 (defilement of girls between 13 and 17 years of age) if the offender—
 - (1) was 18 or over; or
 - (2) is or has been sentenced to a term of imprisonment of at least 12 months;
10. section 155 (defilement of idiots or imbeciles) if the offender in respect of that offence, is or has been—
 - (1) sentenced to a term of imprisonment; or

(a) Cap 154, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

(b) Cap 155, Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

(c) Ordinance 9/2016

(d) Text deleted and new text inserted by Ordinance 9/2016 – came into force on 01 May 2016

(e) Text deleted and new text inserted by Ordinance 9/2016 – came into force on 01 May 2016

(2) ordered to be detained during the pleasure of the Administrator following a finding of not guilty by reason of insanity under ~~section 70 of the Criminal Procedure Ordinance~~ *section 102 of the Criminal Procedure Ordinance 2016 (acquittal on grounds of insanity)*; **(a)**

11. section 157 (procuration) if the victim is under 18;

12. section 159 (procuring defilement of a woman or a man by threats etc.);

13. section 160 (householder etc. permitting defilement of woman under 13 years on his premises) where the offender is sentenced to a term of imprisonment;

14. section 161 (householder etc. permitting defilement of woman under 16 years on his premises) where the offender is sentenced to a term of imprisonment;

15. section 162 (detention with intent or in brothel) where the offender is sentenced to a term of imprisonment;

16. section 171 (sexual intercourse between males);

17. section 172 (buggery with violence);

18. section 174 (sexual intercourse with male under 13 years);

19. section 175 (bestiality);

20. section 176 (indecenty)—

(1) if the offender was under 18 and is or has been sentenced to a imprisonment of at least 12 months;

(2) in any other case,

(a) the victim was under 18; or

(b) the offender is or has been—

(i) sentenced to imprisonment; or

(ii) ordered to be detained during the pleasure of the Administrator following a finding of not guilty by reason of insanity under ~~section 70 of the Criminal Procedure Ordinance~~ *section 102 of the Criminal Procedure Ordinance 2016 (acquittal on grounds of insanity)*. **(b)**

21. *section 5 (sexual exploitation of a child)*; **(c)**

22. *section 6 (child pornography) if-*

(1) *the pornographic material depicted a person under the age of 16 years; and*

(2) *the offender –*

(a) *was 18 years or over; or*

(b) *is sentenced (in respect of the offence) to imprisonment for a term of at least 12 months;*

23. *section 10 (sexual exploitation)*.

(a) Text deleted and new text inserted by Ordinance 9/2016 – came into force on 01 May 2016

(b) Text deleted and new text inserted by Ordinance 9/2016 – came into force on 01 May 2016

(c) 21, 22 & 23 inserted by Ordinance 25/2009 – came into force on 04 November 2009