Returning to Ireland and Obligations under the Sex Offenders Act 2001 and Sex Offenders (Amendment) Act 2023

If you have received a conviction overseas for a sexual offence set out in the Schedule to the Sex Offenders Act 2001, you are obliged to notify An Garda Síochána (the Gardaí) of certain information. You are obliged to notify them even if you did not serve a prison sentence for the offence.
If you are not sure if your offence is included in the Schedule (for example if the offence has a different name in the country where you were convicted) you should contact the Gardaí for clarification.

Section 13 of the Sex Offenders Act states that if a person has been convicted of an offence abroad and this offence would if committed in Ireland be a sexual offence under the Act, and that person is at the time of the conviction or later becomes resident in Ireland, they will be subject to the notification obligations set out in the Act.

The main obligations are described below:

What are sexual offences under the Act?
These sexual offences are listed in the Schedule to the Sex Offenders Act 2001. This has been amended by Section 28 of the Sex Offenders (Amendment) Act 2023 (the Schedule is included in the Appendix at Page 3 of this factsheet).

What information should I provide to the Gardaí?
You must **within 3 days** of your return to Ireland notify the Gardaí of:

- Your name on the date you notify the Gardaí
- Any name or names you currently or previously used
- Your home address
- Any other address you have in Ireland or another country where you reside or regularly stay
- Any address in Ireland or another country where you resided or regularly stayed since your conviction.

Methods of notifying the Gardaí
You should notify the Gardaí at a Divisional or District Headquarters. Your local Garda station can tell you where the nearest Divisional or District headquarters is. If you have a disability, and are unable to provide notification in person, it may be possible to make other arrangements.

Do I need to provide any other information to the Gardaí?
The Gardaí may request your fingerprints, palm prints or photograph for the purposes of establishing your identity. This information may be requested at any time the Gardaí come in contact with you if they need to establish your identity.

Do I need to inform the Gardaí if my circumstances change?
You must also notifying the Gardaí **within 3 days** of the following:

- If you change your name or use a name that is not one which you have notified the Gardaí
- If you change your address
- If you stayed at any place which was not notified to the Gardaí as being your current home address

- If you return to an address in Ireland having been outside Ireland for a continuous period of 3 days or more
- You should also notify the Gardaí if you intend to leave Ireland for 3 days or more and provide them with the address/addresses at which you will stay during your time outside Ireland.

Duration of requirements to notify the Gardaí
The duration of the notification requirement varies, depending on the sentence received. You must provide the Gardaí with information required under the Sex Offences Act for the following periods:

- Indefinitely if you were sentenced to a term of more than 2 years
- For 10 years if the term of imprisonment was for between 6 months and 2 years
- For 7 years if the sentence was for less than 6 months
- For 5 years if the sentence imposed was suspended or if no prison sentence was imposed.

What happens if I do not notify the Gardaí?
It is an offence not to inform the Gardaí without reasonable excuse and you may be arrested and if convicted you may be liable to a sentence of up to five years imprisonment and/or a substantial fine. In addition, there are generally no reporting restrictions if a person is convicted for a breach of the Sex Offenders Act, 2001. Therefore, there is a risk that you may be named in the media.

Will I be monitored by the Gardaí when I return to Ireland?
Yes. People who are subject to the requirements of the Sex Offenders Act, 2001 will have an assigned liaison Garda or Sergeant and will be monitored and managed in the community.

Will I be able to work when I return to Ireland?
Yes you will be allowed to work. However, you will be prohibited from working with children and vulnerable adults.

Can the Gardaí disclose information about me to other people?
In limited circumstances the Gardaí may release information about you to other parties. Where the Gardaí are satisfied that there is a risk to the public or any member of the public, they may disclose information about you to a person or persons in respect of whom the disclosure is necessary in order to prevent harm.

What kind of information can be disclosed about me?

- Your name
- A photograph of you
- The address at which you are residing or staying
- The nature of the sexual office of which you were convicted
- The level of risk you pose to the public or a member of the public
- Such information that the Gardaí may believe it is necessary to disclose in order to avoid.

Will the Gardaí tell me if they are considering disclosing information about me to members of the public?
The Gardaí must tell you if they are considering making a disclosure about you and the reason for it. They must also give you the opportunity to make a submission in writing.

Where can I get further information?
You can find further information on the Department of Justice website**:**
https://www.gov.ie/en/organisation/department-of-justice/

Or from Citizens Information:
https://www.citizensinformation.ie/en/justice/criminal-law/criminal-trial/sex-offenders-register/#2473e9

You can access the legislation here:
Sex Offenders Act 2001: https://www.irishstatutebook.ie/eli/2001/act/18/enacted/en/pdf

Sex offenders (Amendment) Act 2023:
https://www.irishstatutebook.ie/eli/2023/act/9/enacted/en/print.html

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This factsheet is for information purposes only and does not and is not intended to constitute legal advice. While every effort has been made to ensure that the content is accurate and up to date, the ICPO accepts no responsibility for errors and omissions.

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APPENDIX: SCHEDULE TO THE SEXUAL OFFENCES ACT 2001

Sexual Offences for Purposes of Act

1. Rape.

2. Sexual assault (whether the offence of which the person was convicted was known by that name or by the name ‘‘Indecent assault upon a female person’’ or ‘‘Indecent assault upon a male person’’).

3. Aggravated sexual assault (within the meaning of section 3 of the Act of 1990).

4. Rape under section 4 of the Act of 1990.

5. An offence under section 1 of the Act of 1908 (incest by males).

6. An offence under section 2 of the Act of 1908 (incest by females of or over 17 years of age).

7. An offence under section 1 of the Act of 1935 (defilement of girl under 15 years of age).

8. An offence under section 2 of the Act of 1935 (defilement of girl between 15 and 17 years of age).

9. The offence of buggery with a person or with an animal referred to in section 61 of the Act of 1861.

10. The offence of an attempt to commit such buggery referred to in section 62 of the Act of 1861.

11. An offence under section 3 of the Act of 1993 (buggery of persons under 17 years of age).

12. An offence under section 4 of the Act of 1993 (gross indecency with males under 17 years of age).

13. An offence under section 11 of the Criminal Law Amendment Act, 1885 (acts of gross indecency).

14. An offence under section 5 of the Act of 1993 (protection of mentally impaired persons).

15. An offence under section 4 of the Act of 1935 (defilement of mentally impaired females).

16. An offence under any of the following provisions of the Child Trafficking and Pornography Act, 1998— (a) section 3 (child
trafficking and taking, etc., child for sexual exploitation), (b) section 4 (allowing child to be used for child pornography), (c) section 5 (producing, distributing, etc., child pornography), (d) section 6 (possession of child pornography).
17. An offence under section 2 of the Sexual Offences (Jurisdiction) Act, 1996 (sexual offences committed outside the State). [2001.] Sex Offenders Act, 2001. [No. 18.]

18. An offence consisting of attempting to commit an offence referred to in any of paragraphs 1 to 17 of this Schedule (other than such an offence that itself consists of an attempt to do a particular act).

19. An offence consisting of aiding, abetting, counselling, procuring or inciting the commission of an offence referred to in any of paragraphs 1 to 18 of this Schedule. 20. An offence consisting of conspiracy to commit an offence referred to in any foregoing paragraph of this Schedule.

CHANGES TO THE SCHEDULE MADE BY THE SEXUAL OFFENCES (AMENDMENT) ACT 2023

28. The Schedule to the Principal Act is amended by the insertion of the following paragraphs after paragraph 7:

“7A.An offence under section 1 of the Act of 1935 (defilement of girl under 15 years of age).
8. An offence under section 2 of the Act of 1935 (defilement of girl between 15 and 17 years of age).”