

78.6b *Defendant breaches a conditional discharge and the breach sentence triggers notification*

R v Rawlinson 2018 EWCA Crim 2825, 2019 1 Cr App R (S) 51 (p 429) D pleaded to exposure. He was given a conditional discharge for three years. D pleaded to a drug supply offence and was sentenced to three years. The drug offence was a breach of D's conditional discharge and he was sentenced to 2 months' concurrent for that. Held. We apply the legislation, including [Sexual Offences Act 2003 s 132\(1\)](#) and (3), see [78.6a](#). When D was sentenced to the two months, the notification criteria were met. [The key one being D was sentenced to a term of imprisonment, see the exposure entry at [78.4](#).] D was then subject to notification. Here the exposure offence did not pass the custody threshold. The fact the concurrent sentence made no difference to the total was not a factor. We quash the 2-month sentence and normally a fine or a community sentence would be appropriate. Because D is in custody, we impose no penalty. As a result, notification no longer applies.

78.19 *Appeals*

R v Rawlinson 2018 EWCA Crim 2825, 2019 1 Cr App R (S) 51 (p 429) D pleaded to exposure. He was given a conditional discharge for three years. D pleaded to a drug supply offence and was sentenced to three years. The offence was a breach of his conditional discharge and D was sentenced to 2 months' concurrent for that. The issue arose as to if notification applied and if so when. Held. There is no appeal against the application of the notification requirements. However, an appeal is possible in limited circumstances where a judge purports to give a ruling whether the notification applies in a particular case. The certificate cannot be challenged in the Court of Appeal. It should be challenged by judicial review.