



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 10

MANAGEMENT OF OFFENDERS

CHAPTER 3

MANAGEMENT OF SEX OFFENDERS

Orders made in different parts of the United Kingdom

182 Orders superseding, or superseded by, Scottish orders

- (1) In section 349(2) of the Sentencing Code (making of sexual harm prevention order: effect on other orders)—
 - (a) omit the “or” at the end of paragraph (a), and
 - (b) at the end of paragraph (b) insert “, or
 - (c) a sexual harm prevention order made under section 11 or 12 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ([asp 22](#))”.
- (2) Section 136ZB of the Sexual Offences Act 2003 (order ceases to have effect when new order made) is amended as follows.
- (3) In subsection (1), in the table—
 - (a) in the entry relating to a sexual harm prevention order, in the second column, after “—foreign travel order” insert—

Status: This is the original version (as it was originally enacted).

— “sexual harm prevention order made under section 11 or 12 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22).”, and

(b) in the entry relating to a sexual risk order, in the second column, after “— foreign travel order” insert—

— “sexual risk order made under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.”

(4) In subsection (2)—

(a) in the words before the table—

(i) omit “or Scotland”, and

(ii) after “England and Wales” insert “or Scotland”, and

(b) in the table—

(i) in the entry relating to a sexual offences prevention order, in the second column, after “—in the case of a sexual harm prevention order containing a prohibition on foreign travel, each of its other prohibitions” insert—

— “sexual harm prevention order made under section 11 or 12 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 not containing a prohibition on foreign travel;

— in the case of a sexual harm prevention order made under section 11 or 12 of that Act containing a prohibition on foreign travel, each of its other prohibitions.”,

(ii) in the entry relating to a foreign travel order, in the second column, after “—prohibition on foreign travel contained in a sexual harm prevention order” insert—

— “prohibition on foreign travel contained in a sexual harm prevention order made under section 11 or 12 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.”, and

(iii) in the entry relating to a risk of sexual harm order, in the second column, after “—in the case of a sexual risk order containing a prohibition on foreign travel, each of its other prohibitions” insert—

— “sexual risk order made under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 not containing a prohibition on foreign travel;

— in the case of a sexual risk order made under section 27 of that Act containing a prohibition on foreign travel, each of its other prohibitions.”

(5) After subsection (2) insert—

“(2ZA) Where a court in Scotland makes an order listed in the first column of the following Table in relation to a person who is already subject to an order or prohibition listed opposite it in the second column, the earlier order or prohibition ceases to have effect (even though it was made or imposed by

a court in England and Wales or Northern Ireland) unless the court orders otherwise.

<i>New order</i>	<i>Earlier order or prohibition</i>
Sexual harm prevention order made under section 11 or 12 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016	— sexual harm prevention order; — sexual offences prevention order; — foreign travel order.
Sexual risk order made under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016	— sexual risk order; — risk of sexual harm order; — foreign travel order.”

(6) In subsection (2A), after “subsection (2)” insert “or subsection (2ZA)”.

(7) In subsection (3), omit paragraph (b).