



Sexual Offences Act 2003

2003 CHAPTER 42

PART 3

GENERAL

VALID FROM 01/05/2004

137 Service courts

(1) In this Act—

- (a) a reference to a court order or a conviction or finding includes a reference to an order of or a conviction or finding by a service court,
- (b) a reference to an offence includes a reference to an offence triable by a service court,
- (c) “proceedings” includes proceedings before a service court, and
- (d) a reference to proceedings for an offence under this Act includes a reference to proceedings for the offence under section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18) or the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or section 42 of the Naval Discipline Act 1957 (c. 53) for which the offence under this Act is the corresponding civil offence.

(2) In sections 92 and 104(1), “court” includes a service court.

(3) Where the court making a sexual offences prevention order is a service court—

- (a) sections 104(1)(a) and (4) to (6), 105, 109, 111 and 112 do not apply,
- (b) in section 108, “the appropriate court” means the Crown Court in England and Wales, and
- (c) in section 110(3)(a), the references to the Crown Court and Court of Appeal are references to the Crown Court and Court of Appeal in England and Wales.

(4) In this section “service court” means a court-martial or Standing Civilian Court.

Status: Point in time view as at 20/11/2003. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: Sexual Offences Act 2003, Part 3 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

138 Orders and regulations

- (1) Any power to make orders or regulations conferred by this Act on the Secretary of State is exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations under section 21, 86 or 130 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (3) Any other statutory instrument, except one containing an order under section 141, is to be subject to annulment in pursuance of a resolution of either House of Parliament.

VALID FROM 01/05/2004

139 Minor and consequential amendments

Schedule 6 contains minor and consequential amendments.

VALID FROM 01/05/2004

140 Repeals and revocations

The provisions listed in Schedule 7 are repealed or revoked to the extent specified.

141 Commencement

- (1) This Act, except this section and sections 138, 142 and 143, comes into force in accordance with provision made by the Secretary of State by order.
- (2) An order under subsection (1) may—
 - (a) make different provision for different purposes;
 - (b) include supplementary, incidental, saving or transitional provisions.

Subordinate Legislation Made

P1 [S. 141](#) power fully exercised: 1.5.2004 appointed by [{S.I. 2004/874}](#), art. 2; [{S.S.I. 2004/138}](#), art. 2

142 Extent, saving etc.

- (1) Subject to section 137 and to subsections (2) to (4), this Act extends to England and Wales only.
- (2) The following provisions also extend to Northern Ireland—
 - (a) sections 15 to 24, 46 to 54, 57 to 60, 66 to 72, 78 and 79,
 - (b) Schedule 2,
 - (c) Part 2, and
 - (d) sections 138, 141, 143 and this section.
- (3) The following provisions also extend to Scotland—

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- (a) Part 2 except sections 93 and 123 to 129 and Schedule 4, and
 - (b) sections 138, 141, 143 and this section.
- (4) Unless otherwise provided, any amendment, repeal or revocation made by this Act has the same extent as the provision to which it relates.
- (5) Section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) continues to have effect despite the repeal by this Act of section 8 of the Sex Offenders Act 1997 (c. 51).
- (6) For the purposes of the Scotland Act 1998 (c. 46), this Act is to be taken to be a pre-commencement enactment.

143 Short title

This Act may be cited as the Sexual Offences Act 2003.

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