



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 9

#### PROTECTION FROM SEXUAL HARM AND VIOLENCE

VALID FROM 08/03/2015

#### *Protection from sexual harm*

#### **113 Sexual harm prevention orders and sexual risk orders, etc**

- (1) Schedule 5 (amendments of Parts 2 and 3 of the Sexual Offences Act 2003) has effect.
- (2) In section 142 of the Sexual Offences Act 2003 (extent etc)—
  - (a) in subsection (2) (provisions that extend to Northern Ireland, as well as England and Wales), for paragraph (c) there is substituted—
    - “(c) sections 80 to 85, 86 to 88, 89 to 91, 92 to 96, 96B to 103, 122F and 130 to 136ZD;
    - (ca) Part 2A;”;
  - (b) after that subsection there is inserted—
    - “(2A) Sections 85A, 96A, 96AA, 110, 117A, 119 and 123 to 129 and Schedule 3A extend only to Northern Ireland.”
  - (c) In subsection (3) (provisions that extend to Scotland, as well as England and Wales) for paragraph (a) there is substituted—
    - “(a) sections 80 to 85, 86 to 88, 89 to 91, 92, 94 to 96, 97 to 103, 122F, 130 to 132 and 133 to 136ZB;”;
  - (d) after that subsection there is inserted—

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“(3A) Sections 88A to 88I, 96A, 111A, 117B, 120 and 121 extend only to Scotland.

(3B) Sections 104 to 109, 111, 112 to 117, 118 and 122 extend to Northern Ireland and Scotland but not to England and Wales.

(3C) The references to section 96A in subsections (2A) and (3A) are references respectively to—

- (a) the section 96A inserted by the Criminal Justice Act (Northern Ireland) 2013, and
- (b) the section 96A inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006.”

#### **114 Saving and transitional provision**

(1) In this section—

“the 2003 Act” means the Sexual Offences Act 2003;

“existing order” means—

- (a) a sexual offences prevention order under section 104 of the 2003 Act;
- (b) a foreign travel order under section 114 of that Act;
- (c) a risk of sexual harm order under section 123 of that Act;

“new order” means—

- (a) a sexual harm prevention order (made under section 103A of the 2003 Act, inserted by Schedule 5);
- (b) a sexual risk order (made under section 122A of that Act, inserted by that Schedule);

“old order” means—

- (a) a restraining order under section 5A of the Sex Offenders Act 1997;
- (b) a sex offender order under section 2 of the Crime and Disorder Act 1998.

(2) The repeal or amendment by this Act of sections 104 to 122 or sections 123 to 129 of the 2003 Act does not apply in relation to—

- (a) an application made before the commencement day for an existing order;
- (b) an existing order (whether made before or after that day) applied for before that day;
- (c) anything done in connection with such an application or order.

(3) The following sections of the 2003 Act inserted by Schedule 5 apply (as appropriate) to an old order as they apply to a new order—

- (a) section 103E (variation, renewal and discharge of sexual harm prevention order);
- (b) section 103I (offence of breach of sexual harm prevention order);
- (c) section 122D (variation, renewal and discharge of sexual risk order);
- (d) section 122H (offence of breach of sexual risk order).

(4) As from the commencement day there may be no variation of an existing order or an old order that extends the period of the order or of any of its provisions.

(5) At the end of the period of 5 years beginning with the commencement day—

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- (a) in relation to any existing order or old order that is still in force, sections 103E and 103I of the 2003 Act or sections 122D and 122H of that Act (as appropriate) have effect, with any necessary modifications (and with any modifications specified in an order under section 185(7) of this Act), as if the provisions of the order were provisions of a new order;
  - (b) subsections (2) and (3) cease to have effect.
- (6) In this section “commencement day” means the day on which this section comes into force.

#### **115 Use of premises for child sex offences**

- (1) Schedule 6 (amendments of Part 2A of the Sexual Offences Act 2003) has effect.
- (2) For the purposes of sections 136BA and 136D(7A) of the Sexual Offences Act 2003 (inserted by that Schedule), it does not matter whether the offence or offences in question were committed before, or on or after, the date on which this section comes into force.

### *Child sexual exploitation at hotels*

#### **116 Information about guests at hotels believed to be used for child sexual exploitation**

- (1) A police officer of at least the rank of inspector may issue a notice under this section to the owner, operator or manager of a hotel that the officer reasonably believes has been or will be used for the purposes of—
  - (a) child sexual exploitation, or
  - (b) conduct that is preparatory to, or otherwise connected with, child sexual exploitation.
- (2) A notice under this section must be in writing and must—
  - (a) specify the hotel to which it relates;
  - (b) specify the date on which it comes into effect and the date on which it expires;
  - (c) explain the effect of subsections (4) and (5) and sections 117 and 118.
- (3) The date on which the notice expires must not be more than 6 months after the date on which it comes into effect.
- (4) A constable may require a person issued with a notice under this section to provide the constable with information about guests at the hotel.
- (5) The only information that a constable may require under subsection (4) is—
  - (a) guests' names and addresses;
  - (b) other information about guests that—
    - (i) is specified in regulations made by the Secretary of State, and
    - (ii) can be readily obtained from one or more of the guests themselves.
- (6) A requirement under subsection (4)—
  - (a) must be in writing;
  - (b) must specify the period to which the requirement relates;

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- (c) must specify the date or dates on or by which the required information is to be provided.

The period specified under paragraph (b) must begin no earlier than the time when the requirement is imposed and must end no later than the expiry of the notice under this section.

- (7) In this section—

“child sexual exploitation” means conduct that constitutes an offence listed in subsection (8)(a) or (b), or an offence listed in subsection (8)(c) against a person under 18;

“guest” means a person who, for a charge payable by that person or another, has the use of a guest room at the hotel in question;

“hotel” includes any guest house or other establishment of a similar kind at which accommodation is provided for a charge.

- (8) The offences are—

- (a) an offence under any of the following sections of the Sexual Offences Act 2003—

sections 5 to 8 (rape and other offences against children under 13);

sections 9 to 13 (child sex offences);

sections 16 to 19 (abuse of position of trust);

sections 25 and 26 (familial child sex offences);

sections 47 to 50 (abuse of children through prostitution and pornography);

- (b) an offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children);

- (c) an offence under any of the following sections of the Sexual Offences Act 2003—

sections 1 to 4 (rape, assault and causing sexual activity without consent);

sections 30 to 41 (persons with a mental disorder impeding choice, inducements etc to persons with a mental disorder, and care workers for persons with a mental disorder);

section 59A (trafficking people for sexual exploitation);

section 61 (administering a substance with intent);

sections 66 and 67 (exposure and voyeurism).

#### Commencement Information

**II** S. 116 in force at 1.9.2014 by S.I. 2014/2125, art. 2(a)

### 117 Appeals against notices under section 116

- (1) A person issued with a notice under section 116 may appeal against it to a magistrates' court.
- (2) An appeal must be made within the period of 21 days beginning with the day on which the person is issued with the notice.

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- (3) Where there is an appeal against a notice under section 116, then until the appeal is finally determined or withdrawn—
  - (a) no requirement may be imposed under subsection (4) of that section in relation to the premises in question;
  - (b) any such requirement already imposed is of no effect.
- (4) A magistrates' court hearing an appeal against a notice under section 116 must—
  - (a) quash the notice,
  - (b) modify the notice, or
  - (c) dismiss the appeal.

#### Commencement Information

**I2** S. 117 in force at 1.9.2014 by S.I. 2014/2125, art. 2(a)

### 118 Offences

- (1) An offence is committed by a person who fails without reasonable excuse to comply with a requirement imposed on the person under section 116(4).
- (2) An offence is committed by a person who, in response to a requirement imposed on the person under section 116(4), provides incorrect information which the person—
  - (a) did not take reasonable steps to verify or to have verified, or
  - (b) knows to be incorrect.
- (3) A person does not commit an offence under subsection (2)(a) if there were no steps that the person could reasonably have taken to verify the information or to have it verified.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### Commencement Information

**I3** S. 118 in force at 1.9.2014 by S.I. 2014/2125, art. 2(a)

### *Violent offending*

### 119 Violent offender orders

- (1) In section 98 of the Criminal Justice and Immigration Act 2008 (violent offender orders), after subsection (5) there is inserted—
  - “(6) The Secretary of State may by order—
    - (a) amend subsection (3);
    - (b) make consequential amendments to subsection (4).”
- (2) In section 147(5) of that Act (orders etc subject to affirmative resolution procedure), after paragraph (d) there is inserted—
  - “(da) an order under section 98(6).”

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- (3) In section 99 of that Act (qualifying offenders), in paragraph (b) of subsection (5) (meaning of “relevant offence”) after “a specified offence” there is inserted “ , or the offence of murder, ”.

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**Commencement Information**

**I4** S. 119 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 9

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