

Status: Point in time view as at 17/08/2023.

Changes to legislation: Anti-social Behaviour, Crime and Policing Act 2014, Cross Heading: Sexual Offences Act 2003 (c. 42) is up to date with all changes known to be in force on or before 18 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)

SCHEDULES

SCHEDULE 11

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS RELATING TO PART 9

Sexual Offences Act 2003 (c. 42)

- 56 In section 88 of the Sexual Offences Act 2003 (section 87: interpretation), in subsection (4)(c), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order, ”.

Commencement Information

- I1** Sch. 11 para. 56 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 57 In section 89 of that Act (young offenders: parental directions), in the Table in subsection (1), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order, ”.

Commencement Information

- I2** Sch. 11 para. 57 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 58 In section 91A of that Act (review of indefinite notification requirements: qualifying young offender), in subsection (2)(b), after “not subject to” there is inserted “a sexual harm prevention order under section 103A, an interim sexual harm prevention order under section 103F, ”.

Commencement Information

- I3** Sch. 11 para. 58 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 59 In the cross-heading before section 104 of that Act (sexual offences prevention orders: application and grounds), after “orders” there is inserted “(Scotland and Northern Ireland) ”.

Commencement Information

- I4** Sch. 11 para. 59 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

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- 60 In section 108 of that Act (SOPOs: variations, renewals and discharges), in subsection (8)(b) the words “2 or” and “England and Wales or” are omitted.

Commencement Information

I5 Sch. 11 para. 60 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 61 In section 109 of that Act (interim SOPOs), in subsection (7)(a) the words “2A or” and “England and Wales or” are omitted.

Commencement Information

I6 Sch. 11 para. 61 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 62 (1) Section 110 of that Act (SOPOs and interim SOPOs: appeals) is amended as follows.
- (2) For the heading there is substituted “ **Appeals in relation to SOPOs and interim SOPOs: Northern Ireland** ”.
- (3) In subsections (1)(c), (2) and (3)(b), for “the Crown Court” there is substituted “ a county court ”.
- (4) In subsection (4), for “the Crown Court” there is substituted “ the county court ”.
- (5) For subsection (5) there is substituted—
- “(5) Any order made by a county court on an appeal under subsection (1)(c) or (2) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 108(7) or 109(6) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”

Commencement Information

I7 Sch. 11 para. 62 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 63 (1) Section 113 of that Act (offence: breach of SOPO or interim SOPO) is amended as follows.
- (2) In the heading, at the end there is inserted “**etc**”.
- (3) In subsection (1), in paragraph (d) the words “2, 2A or” and “in England and Wales and” are omitted.
- (4) After that subsection there is inserted—
- “(1ZA) A person commits an offence if, without reasonable excuse, he contravenes a prohibition imposed by—
- (a) a sexual harm prevention order, or
- (b) an interim sexual harm prevention order,
- other than a prohibition on foreign travel.”

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Commencement Information

I8 Sch. 11 para. 63 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

64 In the cross-heading before section 114 of that Act (foreign travel orders: applications and grounds), after “orders” there is inserted “ (*Scotland and Northern Ireland*) ”.

Commencement Information

I9 Sch. 11 para. 64 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

65 (1) Section 117A of that Act (foreign travel orders: surrender of passports) is amended as follows.

(2) For the heading there is substituted “ **Surrender of passports: Northern Ireland** ”.

(3) In subsection (2), after “at a police station” there is inserted “ in Northern Ireland ”.

(4) In subsection (3), at the end there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.

Commencement Information

I10 Sch. 11 para. 65 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

66 In section 117B of that Act (surrender of passports: Scotland), at the end of subsection (3) there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.

Commencement Information

I11 Sch. 11 para. 66 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

67 (1) Section 119 of that Act (foreign travel orders: appeals) is amended as follows.

(2) For the heading there is substituted “ **Appeals in relation to foreign travel orders: Northern Ireland** ”.

(3) In subsection (1), for “the Crown Court” there is substituted “ a county court ”.

(4) In subsection (2), for “the Crown Court” there is substituted “ the county court ”.

(5) For subsection (3) there is substituted—

“(3) Any order made by a county court on an appeal under subsection (1)(a) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 118(5) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”

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Commencement Information

I12 Sch. 11 para. 67 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 68 (1) Section 122 (offence: breach of foreign travel order) is amended as follows.
- (2) In the heading, at the end there is inserted “**etc**”.
- (3) In subsection (1)—
- (a) for “excuse, he” there is substituted “excuse—
 (a) he”;
- (b) at the end there is inserted “, or
 (b) he contravenes a prohibition on foreign travel imposed by a sexual harm prevention order.”
- (4) In subsection (1B)(a) the words “England and Wales and” are omitted.

Commencement Information

I13 Sch. 11 para. 68 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 69 In the cross-heading before section 123 of that Act, after “*orders*” there is inserted “*(Northern Ireland)*”.

Commencement Information

I14 Sch. 11 para. 69 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 70 (1) Section 123 of that Act (risk of sexual harm orders: application, grounds and effect) is amended as follows.
- (2) In subsection (1)—
- (a) for “A chief officer of police” there is substituted “The Chief Constable of the Police Service of Northern Ireland”;
- (b) for “a magistrates' court” there is substituted “a court of summary jurisdiction”;
- (c) for “his police area” (in both places) there is substituted “Northern Ireland”;
- (d) for “the chief officer” (in both places) there is substituted “the Chief Constable”.
- (3) Subsection (2) is repealed.

Commencement Information

I15 Sch. 11 para. 70 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 71 (1) Section 125 (RSHOs: variation, renewals and discharges) is amended as follows.
- (2) In subsection (2), for paragraphs (b) to (d) there is substituted—
 “(b) the Chief Constable of the Police Service of Northern Ireland.”

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- (3) In subsection (3), for “and (if they wish to be heard) the other persons mentioned in subsection (2)” there is substituted “, and the other person mentioned in subsection (2) (if that person wishes to be heard) ”.
- (4) In subsection (5), for the words after “without the consent of the defendant and” there is substituted “ the Chief Constable of the Police Service of Northern Ireland ”.
- (5) In subsection (7), for paragraphs (b) and (c) there is substituted—
- “(b) a court of summary jurisdiction for the petty sessions district which includes the area where the defendant resides;
 - (c) where the application is made by the Chief Constable of the Police Service of Northern Ireland, any court of summary jurisdiction.”

Commencement Information

I16 Sch. 11 para. 71 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 72 In section 126 (interim RSHOs), in subsection (2)(b), for “the person who has made that application” there is substituted “ the Chief Constable of the Police Service of Northern Ireland ”.

Commencement Information

I17 Sch. 11 para. 72 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 73 (1) Section 127 (RSHOs and interim RSHOs) is amended as follows.
- (2) In subsection (1), for “the Crown Court” there is substituted “ a county court ”.
- (3) In subsection (2), for “the Crown Court” there is substituted “ the county court ”.
- (4) For subsection (3) there is substituted—
- “(3) Any order made by a county court on an appeal under subsection (1)(a) or (b) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 125(7) or 126(5) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”

Commencement Information

I18 Sch. 11 para. 73 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 74 (1) Section 128 (offence: breach of RSHO or interim RSHO) is amended as follows.
- (2) In the heading, after “**interim RSHO**” there is inserted “ **etc** ”.
- (3) For subsections (1) and (1A) there is substituted—
- “(1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—
- (a) a risk of sexual harm order,
 - (b) an interim risk of sexual harm order,

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- (c) a sexual risk order,
 - (d) an interim sexual risk order,
 - (e) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland), or
 - (f) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland),
- commits an offence.”

Commencement Information

I19 Sch. 11 para. 74 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 75 (1) Section 129 (effect of conviction etc of an offence under section 128) is amended as follows.
- (2) In the heading, after “**section 128**” there is inserted “ **etc** ”.
- (3) In subsection (1A)(a), after “an offence under section” there is inserted “ 122H or ”.
- (4) For subsection (5) there is substituted—
- “**(5)** In this section “relevant order” means—
- (a) where the conviction, finding or caution within subsection (1) is in respect of a breach of a risk of sexual harm order or a sexual risk order, that order;
 - (b) where the conviction, finding or caution within subsection (1) is in respect of a breach of an interim risk of sexual harm order or an interim sexual risk order, any risk of sexual harm order or sexual risk order made on the hearing of the application to which the interim order relates or, if no such order is made, the interim order.
- (6) In subsection (5)—
- “risk of sexual harm order” includes an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
- “interim risk of sexual harm order” includes an order under section 5 of that Act.”

Commencement Information

I20 Sch. 11 para. 75 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

- 76 (1) Section 133 of that Act (Part 2: general interpretation) is amended as follows.
- (2) In subsection (1), at the appropriate places there is inserted—
- ““interim sexual harm prevention order” has the meaning given by section 103F(2);”;
- ““interim sexual risk order” has the meaning given by section 122E(2);”;
- ““prohibition on foreign travel” has the meaning given by section 103D(2) or 122C(2);”;

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““sexual harm prevention order” has the meaning given by section 103A(1);”;

““sexual risk order” has the meaning given by section 122A(1);”.

Commencement Information

I21 Sch. 11 para. 76 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

77 In section 136 of that Act (Part 2: Northern Ireland), for subsection (8) there is substituted—

“(8) The reference in section 101 to the Crown Court is to be read as a reference to a county court.”

Commencement Information

I22 Sch. 11 para. 77 in force at 8.3.2015 by [S.I. 2015/373](#), [art. 2\(g\)\(i\)](#)

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