

Draft Order laid before Parliament under paragraph 2(a) of Schedule 2 to the Human Rights Act 1998 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No.

CRIMINAL LAW, ENGLAND AND WALES

The Sexual Offences Act 2003 (Remedial) Order 2012

Made - - - -

Coming into force - -

The indefinite notification requirements in section 82(1) of the Sexual Offences Act 2003(1) have been declared(2) under section 4 of the Human Rights Act 1998(3) to be incompatible with a Convention right(4).

The Secretary of State considers that there are compelling reasons for proceeding by way of remedial order(5) to make such amendments to the Sexual Offences Act 2003 as she considers necessary to remove the incompatibility.

In accordance with paragraph 2(a) of Schedule 2 to the Human Rights Act 1998, a draft of this instrument was laid before Parliament and was approved by resolution of each House of Parliament, a document containing a draft of this instrument having previously been laid before Parliament in accordance with paragraph 3(1) of that Schedule.

Accordingly, the Secretary of State makes the following Order in the exercise of the powers conferred by section 10(2) of, and paragraph 1(1)(a), (c) and (d), (2) and (3) of Schedule 2 to, the Human Rights Act 1998:

(1) 2003 c. 42.

(2) By the Supreme Court in the case of *The Queen on the application of F and another v Secretary of State for the Home Department* [2010] UKSC 17.

(3) 1998 c. 42.

(4) See section 1(1) of the Human Rights Act 1998 for the definition of “the Convention rights” and section 21(1) of that Act for the definition of “the Convention”.

(5) See section 21(1) of the Human Rights Act 1998 for the definition of “remedial order”.