



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 2

#### NOTIFICATION AND ORDERS

##### *[<sup>F1</sup>Sexual harm prevention orders (England and Wales)]*

#### **[<sup>F1</sup>103A Sexual harm prevention orders: applications and grounds**

- (1) A court may make an order under this section (a “sexual harm prevention order”) in respect of a person (“the defendant”) where subsection (2) or (3) applies to the defendant.
- (2) This subsection applies to the defendant where—
  - (a) the court deals with the defendant in respect of—
    - <sup>F2</sup>(i) .....
    - (ii) a finding that the defendant is not guilty of an offence listed in Schedule 3 or 5 by reason of insanity, or
    - (iii) a finding that the defendant is under a disability and has done the act charged against the defendant in respect of an offence listed in Schedule 3 or 5,
  - and
  - (b) the court is satisfied that it is necessary to make a sexual harm prevention order, for the purpose of—
    - (i) protecting the public or any particular members of the public from sexual harm from the defendant, or
    - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (3) This subsection applies to the defendant where—

*Status: Point in time view as at 29/06/2021. This version of this provision has been superseded.*

*Changes to legislation: Sexual Offences Act 2003, Section 103A is up to date with all changes known to be in force on or before 26 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)*

- (a) an application under subsection (4) has been made in respect of the defendant and it is proved on the application that the defendant is a qualifying offender, and
  - (b) the court is satisfied that the defendant's behaviour since the appropriate date makes it necessary to make a sexual harm prevention order, for the purpose of—
    - (i) protecting the public or any particular members of the public from sexual harm from the defendant, or
    - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (4) A chief officer of police or the Director General of the National Crime Agency (“the Director General”) may by complaint to a magistrates' court apply for a sexual harm prevention order in respect of a person if it appears to the chief officer or the Director General that—
- (a) the person is a qualifying offender, and
  - (b) the person has since the appropriate date acted in such a way as to give reasonable cause to believe that it is necessary for such an order to be made.
- (5) A chief officer of police may make an application under subsection (4) only in respect of a person—
- (a) who resides in the chief officer's police area, or
  - (b) who the chief officer believes is in that area or is intending to come to it.
- (6) An application under subsection (4) may be made to any magistrates' court acting for a local justice area that includes—
- (a) any part of a relevant police area, or
  - (b) any place where it is alleged that the person acted in a way mentioned in subsection (4)(b).
- (7) The Director General must as soon as practicable notify the chief officer of police for a relevant police area of any application that the Director has made under subsection (4).
- (8) Where the defendant is a child, a reference in this section to a magistrates' court is to be taken as referring to a youth court (subject to any rules of court made under section 103K(1)).
- (9) In this section “relevant police area” means—
- (a) where the applicant is a chief officer of police, the officer's police area;
  - (b) where the applicant is the Director General—
    - (i) the police area where the person in question resides, or
    - (ii) a police area which the Director General believes the person is in or is intending to come to.]

#### Textual Amendments

- F1** Ss. 103A-103K and cross-heading inserted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 5 para. 2** (with ss. 21, 33, 42, 58, 75, 93, 114(1)(3)-(6)); S.I. 2015/373, art. 2(e)
- F2** S. 103A(2)(a)(i) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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**Modifications etc. (not altering text)**

- C1** Pt. 2 applied (with modifications) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [ss. 352\(2\)\(b\)\(3\)](#), [416\(1\)](#) (with [ss. 2](#), [398\(1\)](#), [406](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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