



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2 **U.K.**

NOTIFICATION AND ORDERS

[^{F1}Sexual offences prevention orders [^{F1}(Scotland and Northern Ireland)]

[^{F1}[^{F2}10] Sexual offences prevention orders: applications and grounds **S+N.I.**

- (1) A court may make an order under this section in respect of a person (“the defendant”) where any of subsections (2) to (4) applies to the defendant and—
 - (a) where subsection (4) applies, it is satisfied that the defendant’s behaviour since the appropriate date makes it necessary to make such an order, for the purpose of protecting the public or any particular members of the public from serious sexual harm from the defendant;
 - (b) in any other case, it is satisfied that it is necessary to make such an order, for the purpose of protecting the public or any particular members of the public from serious sexual harm from the defendant.
- (2) This subsection applies to the defendant where the court deals with him in respect of an offence listed in Schedule 3 or 5.
- (3) This subsection applies to the defendant where the court deals with him in respect of a finding—
 - (a) that he is not guilty of an offence listed in Schedule 3 or 5 by reason of insanity, or
 - (b) that he is under a disability and has done the act charged against him in respect of such an offence.
- (4) This subsection applies to the defendant where—
 - (a) an application under subsection (5) has been made to the court in respect of him, and
 - (b) on the application, it is proved that he is a qualifying offender.

Changes to legislation: Sexual Offences Act 2003, Section 104 is up to date with all changes known to be in force on or before 15 July 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) View outstanding changes

- (5) A chief officer of police may by complaint to a magistrates' court apply for an order under this section in respect of a person who resides in his police area or who the chief officer believes is in, or is intending to come to, his police area if it appears to the chief officer 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.
- (6) An application under subsection (5) may be made to any magistrates' court whose commission area includes—
- (a) any part of the applicant's police area, or
 - (b) any place where it is alleged that the person acted in a way mentioned in subsection (5)(b).]]

Textual Amendments

- F1** Ss. 104-122 repealed (E.W.) (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 5 para. 3](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(e)
- F2** Ss. 104-109 repealed (S.) (31.3.2023) by [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#) (asp 22), [ss. 39\(1\)\(a\), 45\(2\)\(3\)](#) (with ss. 40(2)-(4), 44); S.S.I. 2023/51, [reg. 2](#) (with reg. 3)
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Modifications etc. (not altering text)

- C1** Pt. 2 applied (with modifications) (S.) (31.3.2023) by [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#) (asp 22), [ss. 18\(3\), 45\(2\)\(3\)](#) (with s. 44); S.S.I. 2023/51, [reg. 2](#) (with reg. 3)
- C2** Pt. 2 applied (with modifications) (S.) (31.3.2023) by [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#) (asp 22), [ss. 35\(3\)\(4\), 45\(2\)\(3\)](#) (with s. 44); S.S.I. 2023/51, [reg. 2](#) (with reg. 3)
- C3** Pt. 2 applied (with modifications) (S.) (31.3.2023) by [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#) (asp 22), [s. 38\(4\)-\(6\), 45\(2\)\(3\)](#) (with s. 44); S.S.I. 2023/51, [reg. 2](#) (with reg. 3)

Changes to legislation:

Sexual Offences Act 2003, Section 104 is up to date with all changes known to be in force on or before 15 July 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 60B(5)(i) substituted for s. 60B(5)(i)(ii) by [2015 c. 9 \(N.I.\) Sch. 1 para. 123\(1\)Sch. 9 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). S. 60B already repealed (N.I.) (14.1.2015) by [2015 c. 2 \(N.I.\)](#), s. 28(2), Sch. 5; and omitted (E.W.) (31.7.2015) by virtue of [2015 c. 30](#), Sch. 5 para. 5(2); S.I. 2015/1476, reg. 2(j))
- s. 103C(4B) inserted by [2022 c. 32 s. 178\(7\)\(b\)](#)
- s. 103E(5C)(5D) inserted by [2022 c. 32 s. 178\(8\)](#)
- s. 103F(3B) inserted by [2022 c. 32 s. 178\(9\)\(a\)](#)
- s. 103FA103FB inserted by [2022 c. 32 s. 178\(10\)](#)
- s. 108(9) inserted by [2011 c. 18 s. 17\(2\)](#)
- s. 122A(8A) inserted by [2022 c. 32 s. 178\(11\)\(a\)](#)
- s. 122A(9B) inserted by [2022 c. 32 s. 178\(11\)\(b\)](#)
- s. 122D(4C)(4D) inserted by [2022 c. 32 s. 178\(12\)](#)
- s. 122E(3B) inserted by [2022 c. 32 s. 178\(13\)\(a\)](#)
- s. 122EA122EB inserted by [2022 c. 32 s. 178\(14\)](#)
- s. 136ZA(3) inserted by [2022 c. 32 s. 178\(15\)](#)