



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

General

[^{F1}136ZH] Variation, renewal or discharge of sexual offences prevention order or foreign travel order by court in England and Wales

- (1) This section applies where a relevant order has been made in respect of a person who now—
 - (a) is residing in England and Wales, or
 - (b) is in or is intending to come to England and Wales.
- (2) In this section “relevant order” means—
 - (a) a sexual offences prevention order, or
 - (b) a foreign travel order.
- (3) A person within subsection (4) may by complaint to the appropriate court apply for an order varying, renewing or discharging the relevant order.
- (4) Those persons are—
 - (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant resides;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer’s police area.
- (5) If—
 - (a) this section applies in relation to a person because that person is subject to a foreign travel order, and

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- (b) a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn,

a person mentioned in subsection (4)(b) or (c) must have regard to the list in considering whether to apply for an order varying or renewing the foreign travel order.
- (6) Subject to subsections (7) to (16), on an application under this section the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (4), may make any order varying, renewing or discharging the relevant order that the court considers appropriate.
- (7) In determining the application the court must have regard to—
 - (a) the time for which the defendant is likely to remain in England and Wales, and
 - (b) whether the defendant is likely to return to, or to visit, Northern Ireland.
- (8) A sexual offences prevention order may be renewed, or varied under this section so as to impose additional prohibitions or requirements on the defendant, only if it is necessary to do so for the purpose of protecting the public in England and Wales, or any particular members of the public in England and Wales, from serious sexual harm from the defendant.
- (9) A sexual offences prevention order as renewed or varied under this section may contain only such prohibitions and requirements as are necessary for the purpose of protecting the public or any particular members of the public from serious sexual harm from the defendant.
- (10) A sexual offences prevention order may be renewed or varied under this section so as to require the defendant to submit to electronic monitoring of the defendant's compliance with the prohibitions and requirements imposed by the order.
- (11) Section 103FA (electronic monitoring requirements) applies in relation to—
 - (a) the variation under this section of a sexual offences prevention order to require the defendant to submit to electronic monitoring of the defendant's compliance with the prohibitions and requirements imposed by the order, or
 - (b) the renewal of an order to continue such a requirement,

as it applies in relation to the making of a sexual harm prevention order, subject to subsection (12).
- (12) In its application to the variation or renewal of a sexual offences prevention order, section 103FA has effect as if—
 - (a) the reference in subsection (4)(b) to a case where it is proposed to include in the order a requirement or provision mentioned in sub-paragraph (i) or (ii) included a case where the order already includes such a requirement or provision,
 - (b) the reference in subsection (4)(b) to the local justice area in which the place or area proposed to be specified is situated included the local justice area in which the place or area already specified is situated, and
 - (c) the reference in subsection (9) to section 103E were to this section.
- (13) The court must not discharge a sexual offences prevention order before the end of 5 years beginning with the day on which the order was made without the consent of the defendant and—

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- (a) where the application under this section is made by a chief officer of police, that chief officer, or
 - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (14) A foreign travel order may be renewed, or varied under this section so as to impose additional prohibitions on the defendant, only if it is necessary to do so for the purpose of protecting children generally or any child from serious sexual harm from the defendant outside the United Kingdom.
- (15) A foreign travel order as renewed or varied under this section may contain only such prohibitions as are necessary for the purpose mentioned in subsection (14).
- (16) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering whether to renew or vary a foreign travel order under this section.
- (17) In this section—
- “adult magistrates’ court” means a magistrates’ court that is not a youth court;
 - “the appropriate court” means—
 - (a) where the defendant is aged 18 or over, an adult magistrates’ court for the area in which the defendant resides or, where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area;
 - (b) where the defendant is under the age of 18, a youth court for the area in which the defendant resides or, where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer’s police area;
 - “child” means a person under 18;
 - “serious sexual harm”—
 - (a) in relation to the renewal or variation of a sexual offences prevention order, means serious physical or psychological harm caused by the defendant committing one or more of the offences listed in Schedule 3;
 - (b) in relation to the renewal or variation of a foreign travel order, means serious physical or psychological harm caused by the defendant doing, outside the United Kingdom, anything which would constitute an offence listed in Schedule 3 if done in any part of the United Kingdom.]

Textual Amendments

- F1** Ss. 136ZG-136ZJ inserted (31.3.2023 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 18 para. 6](#); S.I. 2023/387, reg. 3(g)(iii)

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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\(15\)](#)