



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 3

#### GENERAL

#### 137 Service courts

- (1) In this Act—
  - (a) a reference to a court order or a conviction or finding includes a reference to an order of or a conviction or finding by a service court,
  - (b) a reference to an offence includes a reference to an offence triable by a service court,
  - (c) “proceedings” includes proceedings before a service court, and
  - (d) a reference to proceedings for an offence under this Act includes a reference to proceedings for the offence under section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18) or the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or section 42 of the Naval Discipline Act 1957 (c. 53) for which the offence under this Act is the corresponding civil offence.
- (2) In sections 92 and 104(1), “court” includes a service court.
- (3) Where the court making a sexual offences prevention order is a service court—
  - (a) sections 104(1)(a) and (4) to (6), 105, 109, 111 and 112 do not apply,
  - (b) in section 108, “the appropriate court” means the Crown Court in England and Wales, and
  - (c) in section 110(3)(a), the references to the Crown Court and Court of Appeal are references to the Crown Court and Court of Appeal in England and Wales.
- (4) In this section “service court” means a court-martial or Standing Civilian Court.

#### 138 Orders and regulations

- (1) Any power to make orders or regulations conferred by this Act on the Secretary of State is exercisable by statutory instrument.

- (2) A statutory instrument containing an order or regulations under section 21, 86 or 130 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (3) Any other statutory instrument, except one containing an order under section 141, is to be subject to annulment in pursuance of a resolution of either House of Parliament.

### **139 Minor and consequential amendments**

Schedule 6 contains minor and consequential amendments.

### **140 Repeals and revocations**

The provisions listed in Schedule 7 are repealed or revoked to the extent specified.

### **141 Commencement**

- (1) This Act, except this section and sections 138, 142 and 143, comes into force in accordance with provision made by the Secretary of State by order.
- (2) An order under subsection (1) may—
  - (a) make different provision for different purposes;
  - (b) include supplementary, incidental, saving or transitional provisions.

### **142 Extent, saving etc.**

- (1) Subject to section 137 and to subsections (2) to (4), this Act extends to England and Wales only.
- (2) The following provisions also extend to Northern Ireland—
  - (a) sections 15 to 24, 46 to 54, 57 to 60, 66 to 72, 78 and 79,
  - (b) Schedule 2,
  - (c) Part 2, and
  - (d) sections 138, 141, 143 and this section.
- (3) The following provisions also extend to Scotland—
  - (a) Part 2 except sections 93 and 123 to 129 and Schedule 4, and
  - (b) sections 138, 141, 143 and this section.
- (4) Unless otherwise provided, any amendment, repeal or revocation made by this Act has the same extent as the provision to which it relates.
- (5) Section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) continues to have effect despite the repeal by this Act of section 8 of the Sex Offenders Act 1997 (c. 51).
- (6) For the purposes of the Scotland Act 1998 (c. 46), this Act is to be taken to be a pre-commencement enactment.

### **143 Short title**

This Act may be cited as the Sexual Offences Act 2003.