



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

^{F1}Sexual harm prevention orders (England and Wales)

[^{F1}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—
 - ^{F2}(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—

Changes to legislation: Sexual Offences Act 2003, Section 103A is up to date with all changes known to be in force on or before 27 April 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

- (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,^{F3}
...
- [^{F4}(b) the court is satisfied on the balance of probabilities that since the appropriate date the defendant has acted in one or more of the ways alleged by the person making the application, and
- (c) the court is satisfied that the defendant having acted in such a way 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.]

[If a list has been published under section 172 of the Police, Crime, Sentencing and
^{F5}(3A) Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, the court must have regard to the list in considering—

 - (a) whether a sexual harm prevention order is necessary for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
 - (b) in particular, whether a prohibition on foreign travel (see section 103D) is necessary for that purpose.]

(4) [^{F6}A person mentioned in subsection (4A) (“the applicant”) may by complaint to a magistrates’ court apply for a sexual harm prevention order in respect of a person if it appears to the applicant 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.

[Those persons are—

^{F7}(4A) (a) a chief officer of police;

 - (b) the Director General of the National Crime Agency (“the Director General”);
 - (c) the chief constable of the British Transport Police Force;
 - (d) the chief constable of the Ministry of Defence Police.]

[If a list has been published under section 172 of the Police, Crime, Sentencing and
^{F8}(4B) Courts Act 2022 and has not been withdrawn, a person mentioned in subsection (4A) must have regard to the list in considering—

 - (a) whether a person has since the appropriate date acted in such a way as to give reasonable cause to believe that it is necessary for a sexual harm prevention order to be made for the purpose of protecting children generally, or any particular children, from sexual harm from that person outside the United Kingdom, and
 - (b) whether to apply for a prohibition on foreign travel (see section 103D) to be included in any such order for that purpose.]

(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.

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- (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).
- [^{F9}(7) If the Director General, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police makes an application under subsection (4), that person must as soon as practicable notify the chief officer of police for a relevant police area of that application.]
- (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 [^{F10}, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police]—
 - (i) the police area where the person in question resides, or
 - (ii) a police area which the [^{F11}applicant] 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
- F3** Word in s. 103A(3)(a) omitted (29.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 174(2)(a)**, 208(1); S.I. 2022/1227, reg. 3(g)
- F4** S. 103A(3)(b)(c) substituted for s. 103A(3)(b) (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 174(2)(b)**, 208(1); S.I. 2022/1227, reg. 3(g)
- F5** S. 103A(3A) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 173(4)(a)**, 208(1); S.I. 2022/1227, reg. 3(f)
- F6** Words in s. 103A(4) substituted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 171(3)**, 208(1); S.I. 2022/1227, reg. 3(d)
- F7** S. 103A(4A) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 171(4)**, 208(1); S.I. 2022/1227, reg. 3(d)
- F8** S. 103A(4B) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 173(4)(b)**, 208(1); S.I. 2022/1227, reg. 3(f)
- F9** S. 103A(7) substituted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 171(5)**, 208(1); S.I. 2022/1227, reg. 3(d)
- F10** Words in s. 103A(9)(b) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 171(6)(a)**, 208(1); S.I. 2022/1227, reg. 3(d)
- F11** Word in s. 103A(9)(b)(ii) substituted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 171(6)(b)**, 208(1); S.I. 2022/1227, reg. 3(d)

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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

Changes to legislation:

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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\(15\)](#)