



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

[^{F1}Foreign travel orders [^{F2}(Scotland and Northern Ireland)]

[^{F1}116 Section 114: qualifying offenders N.I.]

- (1) A person is a qualifying offender for the purposes of section 114 if, whether before or after the commencement of this Part, he—
- has been convicted of an offence within subsection (2),
 - has been found not guilty of such an offence by reason of insanity,
 - has been found to be under a disability and to have done the act charged against him in respect of such an offence, or
 - in England and Wales or Northern Ireland, has been cautioned in respect of such an offence.
- (2) The offences are—
- an offence within any of paragraphs 13 to 15, 44 to 46, 77, 78 and 82 of Schedule 3;
 - an offence within paragraph 31 [^{F3}or 92S] of that Schedule, if the intended offence was an offence against a person [^{F4}under 18];
 - an offence within paragraph 93 [^{F5}or 93A] of that Schedule, if—
 - the corresponding civil offence is an offence within any of paragraphs 13 to 15 of that Schedule;
 - the corresponding civil offence is an offence within paragraph 31 of that Schedule, and the intended offence was an offence against a person [^{F4}under 18]; or
 - the corresponding civil offence is an offence within any of paragraphs 1 to 12, 16 to 30 and 32 to 35 of that Schedule, and the victim of the offence was [^{F4}under 18] at the time of the offence.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: S - Scotland extent N.I. - Northern Ireland extent

Changes to legislation: Sexual Offences Act 2003, Section 116 is up to date with all changes known to be in force on or before 20 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

- (d) an offence within any other paragraph of that Schedule, if the victim of the offence was [^{F4}under 18] at the time of the offence.
- [^{F6}(2A) In subsection (2)(c) references to the corresponding civil offence are to be read, in relation to an offence within paragraph 93A of Schedule 3, as references to the corresponding offence under the law of England and Wales.]
- (3) A person is also a qualifying offender for the purposes of section 114 if, under the law in force in a country outside the United Kingdom and whether before or after the commencement of this Part—
- he has been convicted of a relevant offence (whether or not he has been punished for it),
 - a court exercising jurisdiction under that law has made in respect of a relevant offence a finding equivalent to a finding that he is not guilty by reason of insanity,
 - such a court has made in respect of a relevant offence a finding equivalent to a finding that he is under a disability and did the act charged against him in respect of the offence, or
 - he has been cautioned in respect of a relevant offence.
- (4) In subsection (3), “relevant offence” means an act which—
- constituted an offence under the law in force in the country concerned, and
 - would have constituted an offence within subsection (2) if it had been done in any part of the United Kingdom.
- (5) An act punishable under the law in force in a country outside the United Kingdom constitutes an offence under that law for the purposes of subsection (4), however it is described in that law.
- (6) Subject to subsection (7), on an application under section 114 the condition in subsection (4)(b) above (where relevant) is to be taken as met unless, not later than rules of court may provide, the defendant serves on the applicant a notice—
- stating that, on the facts as alleged with respect to the act concerned, the condition is not in his opinion met,
 - showing his grounds for that opinion, and
 - requiring the applicant to prove that the condition is met.
- (7) The court, if it thinks fit, may permit the defendant to require the applicant to prove that the condition is met without service of a notice under subsection (6).]

Extent Information

- E1** This version of this provision extends to Northern Ireland only; a separate version has been created for Scotland only

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)
- F3** Words in s. 116(2)(b) inserted (N.I.) (5.7.2011) by [Justice Act \(Northern Ireland\) 2011](#) (c. 24), s. 111(2), [Sch. 7 para. 12\(1\)](#)
- F4** Words in s. 116(2)(b)(c)(ii)(iii)(d) substituted (E.W.N.I.) (1.4.2010) by [Policing and Crime Act 2009](#) (c. 26), [ss. 23\(1\)\(b\)\(2\)](#), 116(1); S.I. 2010/507, [art. 5\(j\)](#) (subject to [art. 6](#))

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- F5** Words in s. 116(2)(c) inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 207\(a\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F6** S. 116(2A) inserted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), [Sch. 16 para. 207\(b\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

^{F7} **116 Section 114: qualifying offenders** **S**

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Textual Amendments

- F7** S. 116 repealed (S.) (31.3.2023) by [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016 \(asp 22\)](#), ss. 39(1)(b), 45(2)(3) (with ss. 40(2)-(4), 44); S.S.I. 2023/51, [reg. 2](#) (with reg. 3)

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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\(15\)](#)