



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

[^{F1}Sexual risk orders (England and Wales)]

[^{F1}122A Sexual risk orders: applications, grounds and effect

[^{F2}(1) A person mentioned in subsection (1A) (“the applicant”) may by complaint to a magistrates’ court apply for an order under this section (a “sexual risk order”) in respect of a person (“the defendant”) if it appears to the applicant that the condition in subsection (2) is met.

(1A) Those persons are—

- (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.]

(2) The condition is that the defendant has, whether before or after the commencement of this Part, done an act of a sexual nature as a result of which there is reasonable cause to believe that it is necessary for a sexual risk order to be made.

[If 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Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, a person mentioned in subsection (1A) must have regard to the list in considering—

- (a) whether as a result of the act mentioned in subsection (2) there is reasonable cause to believe that it is necessary for a sexual risk order to be made for the purpose of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
- (b) whether to apply for a prohibition on foreign travel (see section 122C) to be included in any such order for that purpose.]

Changes to legislation: Sexual Offences Act 2003, Section 122A is up to date with all changes known to be in force on or before 03 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

- (3) A chief officer of police may make an application under subsection (1) 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.
- (4) An application under subsection (1) 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 (2).
- [^{F4}(5) 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 (1), that person must as soon as practicable notify the chief officer of police for a relevant police area of that application.]
- [^{F5}(6) On an application under subsection (1), the court may make a sexual risk order if—
- (a) the court is satisfied on the balance of probabilities that the defendant has, whether before or after the commencement of this Part, done one or more of the acts of a sexual nature alleged by the person making the application, and
 - (b) the court is satisfied that as a result of the defendant acting in such a way it is necessary to make such an order for the purpose of—
 - (i) protecting the public or any particular members of the public from harm from the defendant, or
 - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.]

[If a list has been published under section 172 of the Police, Crime, Sentencing and
^{F6}(6A) Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—

 - (a) whether a sexual risk order is necessary for the purpose of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
 - (b) in particular, whether a prohibition on foreign travel (see section 122C) is necessary for that purpose.]

[^{F7}(7) A sexual risk order may—

 - (a) prohibit the defendant from doing anything described in the order;
 - (b) require the defendant to do anything described in the order.]

(8) A sexual risk order may specify [^{F8}—

 - (a) has effect for a fixed period (not less than 2 years) specified in the order or until further order, and
 - (b) may specify different periods for different prohibitions or requirements].

(9) The only prohibitions [^{F9}or requirements] that may be imposed are those necessary for the purpose of—

 - (a) protecting the public or any particular members of the public from harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.

Changes to legislation: *Sexual Offences Act 2003, Section 122A is up to date with all changes known to be in force on or before 03 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*

[The prohibitions or requirements which are imposed on the defendant by a sexual risk ^{F10}(9A) order must, so far as practicable, be such as to avoid—

- (a) any conflict with the defendant’s religious beliefs,
- (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment, and
- (c) any conflict with any other court order or injunction to which the defendant may be subject (but see subsection (10)).]

(10) Where a court makes a sexual risk order in relation to a person who is already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.]

Textual Amendments

- F1** Ss. 122A-122K and cross-heading inserted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 5 para. 4** (with ss. 21, 33, 42, 58, 75, 93, 114(1)(3)-(6)); S.I. 2015/373, art. 2(e)
- F2** S. 122A(1)(1A) substituted for s. 122A(1) (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 171(10)**, 208(1); S.I. 2022/1227, reg. 3(d)
- F3** S. 122A(2A) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 173(7)(a)**, 208(1); S.I. 2022/1227, reg. 3(f)
- F4** S. 122A(5) substituted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 171(11)**, 208(1); S.I. 2022/1227, reg. 3(d)
- F5** S. 122A(6) substituted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 174(3)**, 208(1); S.I. 2022/1227, reg. 3(g)
- F6** S. 122A(6A) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 173(7)(b)**, 208(1); S.I. 2022/1227, reg. 3(f)
- F7** S. 122A(7) substituted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 176(2)(a)**, 208(1); S.I. 2022/1227, reg. 3(i)
- F8** S. 122A(8)(a)(b) substituted for words in s. 122A(8) (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 176(2)(b)**, 208(1); S.I. 2022/1227, reg. 3(i)
- F9** Words in s. 122A(9) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 176(2)(c)**, 208(1); S.I. 2022/1227, reg. 3(i)
- F10** S. 122A(9A) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 176(2)(d)**, 208(1); S.I. 2022/1227, reg. 3(i)

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\(15\)](#)