



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

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

[^{F1}122I Effect of conviction etc of an offence under section 122H etc

- (1) This section applies to a person (“the defendant”) who—
- (a) is convicted of an offence mentioned in subsection (2);
 - (b) is found not guilty of such an offence by reason of insanity;
 - (c) is found to be under a disability and to have done the act charged against him in respect of such an offence; or
 - (d) is cautioned in respect of such an offence.

- (2) Those offences are—
- (a) an offence under section 122H or 128 of this Act;
 - ^{F2}(b)

- [This section also applies to a person (“the defendant”) who—
- ^{F3}(2A) (a) is convicted of an offence mentioned in subsection (2B),
- (b) is acquitted of such an offence by reason of the special defence set out in section 51A of the Criminal Procedure (Scotland) Act 1995, or
 - (c) is found, in respect of such an offence, to be unfit for trial under section 53F of that Act in a case where the court determines that the defendant has done the act constituting the offence.

- (2B) Those offences are—
- (a) an offence under section 34 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ([asp 22](#)) (breach of sexual risk order or interim sexual risk order in Scotland);

Changes to legislation: Sexual Offences Act 2003, Section 122I 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

- (b) an offence under section 37 of that Act (breach of equivalent orders) in respect of a breach of an order made under section 122A, 122E, 123 or 126 of this Act.]
- (3) Where—
- (a) a defendant was a relevant offender immediately before this section applied to the defendant, and
- (b) the defendant would (apart from this subsection) cease to be subject to the notification requirements of this Part while the relevant order (as renewed from time to time) has effect,
- the defendant remains subject to the notification requirements.
- (4) Where the defendant was not a relevant offender immediately before this section applied to the defendant—
- (a) this section causes the defendant to become subject to the notification requirements of this Part from the time the section first applies to the defendant until the relevant order (as renewed from time to time) ceases to have effect, and
- (b) this Part applies to the defendant, subject to the modification set out in subsection (5).
- (5) The “relevant date” is the date on which this section first applies to the defendant.
- (6) In this section “relevant order” means—
- (a) where the conviction, finding [^{F4}, caution or acquittal] within subsection (1) [^{F5}or (2A)] is in respect of a breach of a sexual risk order or a risk of sexual harm order, that order;
- (b) where the conviction, finding [^{F6}, caution or acquittal] within subsection (1) [^{F7}or (2A)] is in respect of a breach of an interim sexual risk order or an interim risk of sexual harm order, any sexual risk order or risk of sexual harm order made on the hearing of the application to which the interim order relates or, if no such order is made, the interim order.
- [In subsection (6) “sexual risk order” and “interim sexual risk order” include orders ^{F8}(6A) under sections 27 and 31 (respectively) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.]
- ^{F9}(7)]

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. 122I(2)(b) omitted (31.3.2023) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 181(1)(a)**, 208(1); S.I. 2023/387, reg. 3(d) (with reg. 4(1))
- F3** S. 122I(2A)(2B) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 181(1)(b)**, 208(1); S.I. 2023/387, reg. 3(d)
- F4** Words in s. 122I(6)(a) substituted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 181(1)(c)(i)**, 208(1); S.I. 2023/387, reg. 3(d)
- F5** Words in s. 122I(6)(a) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 181(1)(c)(ii)**, 208(1); S.I. 2023/387, reg. 3(d)

Changes to legislation: *Sexual Offences Act 2003, Section 122I 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*

- F6** Words in s. 122I(6)(b) substituted (31.3.2023) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 181(1)(c)(iii)**, 208(1); S.I. 2023/387, reg. 3(d)
- F7** Words in s. 122I(6)(b) inserted (31.3.2023) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 181(1)(c)(iv)**, 208(1); S.I. 2023/387, reg. 3(d)
- F8** S. 122I(6A) inserted (31.3.2023) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 181(1)(d)**, 208(1); S.I. 2023/387, reg. 3(d)
- F9** S. 122I(7) omitted (31.3.2023) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 181(1)(e)**, 208(1); S.I. 2023/387, reg. 3(d) (with reg. 4(1))

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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\(15\)](#)