



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

[^{F1}Risk of sexual harm orders [^{F1}(Northern Ireland)]]

[^{F1}123 Risk of sexual harm orders: applications, grounds and effect

- (1) [^{F2}The Chief Constable of the Police Service of Northern Ireland] may by complaint to [^{F3}a court of summary jurisdiction] apply for an order under this section (a “risk of sexual harm order”) in respect of a person aged 18 or over (“the defendant”) who resides in [^{F4}Northern Ireland] or who [^{F5}the Chief Constable] believes is in, or is intending to come to, [^{F4}Northern Ireland] if it appears to [^{F5}the Chief Constable] that—
 - (a) the defendant has on at least two occasions, whether before or after the commencement of this Part, done an act within subsection (3), and
 - (b) as a result of those acts, there is reasonable cause to believe that it is necessary for such an order to be made.

^{F6}(2)

- (3) The acts are—
 - (a) engaging in sexual activity involving a child or in the presence of a child;
 - (b) causing or inciting a child to watch a person engaging in sexual activity or to look at a moving or still image that is sexual;
 - (c) giving a child anything that relates to sexual activity or contains a reference to such activity;
 - (d) communicating with a child, where any part of the communication is sexual.
- (4) On the application, the court may make a risk of sexual harm order if it is satisfied that—
 - (a) the defendant has on at least two occasions, whether before or after the commencement of this section, done an act within subsection (3); and

Changes to legislation: Sexual Offences Act 2003, Section 123 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

- (b) it is necessary to make such an order, for the purpose of protecting children generally or any child from harm from the defendant.
- (5) Such an order—
- (a) prohibits the defendant from doing anything described in the order;
 - (b) has effect for a fixed period (not less than 2 years) specified in the order or until further order.
- (6) The only prohibitions that may be imposed are those necessary for the purpose of protecting children generally or any child from harm from the defendant.
- (7) Where a court makes a risk of sexual harm order in relation to a person already subject to such an order (whether made by that court or another), the earlier order ceases to have effect.]

Textual Amendments

- F1** Ss. 123-129 repealed (E.W.) (8.3.2015) by *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 5 para. 5(1)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(e)
- F2** Words in s. 123(1) substituted (8.3.2015) by *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 11 para. 70(2)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)
- F3** Words in s. 123(1) substituted (8.3.2015) by *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 11 para. 70(2)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)
- F4** Words in s. 123(1) substituted (8.3.2015) by *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 11 para. 70(2)(c)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)
- F5** Words in s. 123(1) substituted (8.3.2015) by *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 11 para. 70(2)(d)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)
- F6** S. 123(2) repealed (8.3.2015) by *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 11 para. 70(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)

Changes to legislation:

Sexual Offences Act 2003, Section 123 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.

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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\(15\)](#)