



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 2

#### NOTIFICATION AND ORDERS

*[<sup>F1</sup>Risk of sexual harm orders [<sup>F1</sup>(Northern Ireland)]]*

#### **[<sup>F1</sup>128 Offence: breach of RSHO or interim RSHO]<sup>F2</sup>etc]**

[<sup>F3</sup>(1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by—

- (a) a risk of sexual harm order,
- (b) an interim risk of sexual harm order,
- <sup>F4</sup>(c) .....
- <sup>F5</sup>(d) .....
- <sup>F6</sup>(e) .....
- <sup>F7</sup>(f) .....

commits an offence.]

[<sup>F8</sup>(1A) A person who, without reasonable excuse—

- (a) does anything that the person is prohibited from doing by a sexual risk order or an interim sexual risk order, or
- (b) fails to do something that the person is required to do by a sexual risk order or an interim sexual risk order,

commits an offence.]

[<sup>F9</sup>(1B) A person who, without reasonable excuse—

- (a) does anything that the person is prohibited from doing by a relevant Scottish order, or
- (b) fails to do something that the person is required to do by a relevant Scottish order,

commits an offence.

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*Changes to legislation: Sexual Offences Act 2003, Section 128 is up to date with all changes known to be in force on or before 07 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*

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- (1C) In subsection (1B) “relevant Scottish order” means—
- (a) a sexual risk order made under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22), or
  - (b) an interim sexual risk order made under section 31 of that Act.]
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.
- (3) Where a person is convicted of an offence under this section, it is not open to the court by or before which he is convicted to make, in respect of the offence, an order for conditional discharge.]

#### 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- F1** Ss. 123-129 repealed (E.W.) (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 5 para. 5\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93);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** Word in s. 128 heading inserted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 11 para. 74\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)
- F3** S. 128(1) substituted for s. 128(1)(1A) (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 11 para. 74\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)
- F4** S. 128(1)(c) omitted (29.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), [ss. 177\(3\)\(a\)](#), 208(1); S.I. 2022/1227, reg. 3(j)
- F5** S. 128(1)(d) omitted (29.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), [ss. 177\(3\)\(a\)](#), 208(1); S.I. 2022/1227, reg. 3(j)
- F6** S. 128(1)(e) omitted (31.3.2023) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), [ss. 180\(6\)\(a\)](#), 208(1); S.I. 2023/387, reg. 3(c) (with reg. 4(1))
- F7** S. 128(1)(f) omitted (31.3.2023) by virtue of [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), [ss. 180\(6\)\(a\)](#), 208(1); S.I. 2023/387, reg. 3(c) (with reg. 4(1))
- F8** S. 128(1A) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), [ss. 177\(3\)\(b\)](#), 208(1); S.I. 2022/1227, reg. 3(j)
- F9** S. 128(1B)(1C) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), [ss. 180\(6\)\(b\)](#), 208(1); S.I. 2023/387, reg. 3(c)

**Changes to legislation:**

Sexual Offences Act 2003, Section 128 is up to date with all changes known to be in force on or before 07 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\(15\)](#)