



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

General

[^{F1}136ZJ] Variation, renewal or discharge of risk of sexual harm order by court in England and Wales

- (1) This section applies where a risk of sexual harm order has been made in respect of a person who now—
 - (a) is residing in England and Wales, or
 - (b) is in or is intending to come to England and Wales.
- (2) A person within subsection (3) may by complaint to the appropriate court apply for an order varying, renewing or discharging the order.
- (3) Those persons are—
 - (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant resides;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer's police area.
- (4) Subject to subsections (5) to (10), on the application the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (3), may make any order varying, renewing or discharging the risk of sexual harm order that the court considers appropriate.
- (5) A risk of sexual harm order may be renewed, or varied under this section so as to impose—
 - (a) additional prohibitions on the defendant, or
 - (b) requirements of the kind mentioned in subsection (7) on the defendant,

Changes to legislation: *Sexual Offences Act 2003, Section 136ZJ is up to date with all changes known to be in force on or before 09 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*

only if it is necessary to do so for the purpose of protecting children generally or any child from physical or psychological harm, caused by the defendant doing acts within section 123(3).

- (6) A risk of sexual harm order as renewed or varied under this section may contain only—
- (a) such prohibitions as are necessary for the purpose mentioned in subsection (5), and
 - (b) such requirements of the kind mentioned in subsection (7) as are necessary for that purpose.
- (7) A risk of sexual harm order may be renewed or varied under this section so as to require the defendant to submit to electronic monitoring of the defendant’s compliance with the prohibitions imposed by the order.
- (8) Section 122EA (electronic monitoring requirements) applies in relation to—
- (a) the variation under this section of a risk of sexual harm order to require the defendant to submit to electronic monitoring of the defendant’s compliance with the prohibitions imposed by the order, or
 - (b) the renewal of an order to continue such a requirement,
- as it applies in relation to the making of a sexual harm prevention order, subject to subsection (9).
- (9) In its application to the variation or renewal of a risk of sexual harm order, section 122EA has effect as if—
- (a) subsection (4)(b)(i) were omitted,
 - (b) the reference in subsection (4)(b) to a case where it is proposed to include in the order a provision mentioned in sub-paragraph (ii) included a case where the order already includes such a provision,
 - (c) the reference in subsection (4)(b) to the local justice area in which the place or area proposed to be specified is situated included the local justice area in which the place or area already specified is situated, and
 - (d) the reference in subsection (9) to section 122D were to this section.
- (10) The court must not discharge a risk of sexual harm order before the end of 2 years beginning with the day on which the order was made without the consent of the defendant and—
- (a) where the application under this section is made by a chief officer of police, that chief officer, or
 - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (11) In this section—
- “adult magistrates’ court” means a magistrates’ court that is not a youth court;
- “the appropriate court” means—
- (a) where the defendant is aged 18 or over, an adult magistrates’ court for the area in which the defendant resides or, where the application is made by a chief officer of police, any adult magistrates’ court acting for a local justice area that includes any part of the chief officer’s police area;
 - (b) where the defendant is under the age of 18, a youth court for the area in which the defendant resides or, where the application is made by a

Changes to legislation: Sexual Offences Act 2003, Section 136ZJ is up to date with all changes known to be in force on or before 09 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](#)

chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer’s police area;
“child” means a person under 16.]

Textual Amendments

F1 Ss. 136ZG-136ZJ inserted (31.3.2023 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), s. 208(1), [Sch. 18 para. 6](#); S.I. 2023/387, reg. 3(g)(iii)

Changes to legislation:

Sexual Offences Act 2003, Section 136ZJ is up to date with all changes known to be in force on or before 09 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.

[View outstanding changes](#)

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\(15\)](#)