

SCHEDULES

SCHEDULE 6

Section 115

AMENDMENTS OF PART 2A OF THE SEXUAL OFFENCES ACT 2003

- 1 Part 2A of the Sexual Offences Act 2003 (closure orders) is amended as follows.
- 2 (1) Section 136A (meaning of specified prostitution offence etc) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) the words “section 47 of this Act or” are omitted;
 - (b) in paragraph (b) the words “section 48 of this Act, or” are omitted;
 - (c) in paragraph (c) the words “section 49 of this Act, or” are omitted;
 - (d) in paragraph (d) the words “section 50 of this Act, or” are omitted.
- (3) In subsection (3)—
- (a) in paragraph (a) the words “section 48 of this Act, or” are omitted;
 - (b) in paragraph (b) the words “section 49 of this Act, or” are omitted;
 - (c) in paragraph (c) the words “section 50 of this Act, or” are omitted.
- (4) After that subsection there is inserted—
- “(3A) The specified child sex offences are—
- (a) an offence under any of the following sections of this Act—
 - sections 5 to 13;
 - sections 16 to 19;
 - sections 25 and 26;
 - sections 47 to 50;
 - (b) an offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children);
 - (c) an offence under any of the following sections of this Act committed against a person under 18—
 - sections 1 to 4;
 - sections 30 to 41;
 - section 59A;
 - section 61;
 - sections 66 and 67.”
- (5) In subsection (4)(a)—
- (a) the words “section 47 of this Act or” are omitted;
 - (b) the words “subsection (1)(a) of that section or, as the case may be,” are omitted.
- (6) After subsection (5) there is inserted—
- “(5A) Premises are being used for activities related to a specified child sex offence at any time when the premises are used—

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- (a) to commit the offence, or
- (b) for activities intended to arrange or facilitate the commission of the offence.”

3 In section 136B (power to authorise issue of closure notice), in the heading, for “**notice**” there is substituted “**notice: prostitution or pornography offences**”.

4 After that section there is inserted—

“136BA Power to authorise issue of closure notice: child sex offences in England and Wales

- (1) A member of a police force not below the rank of superintendent (“the authorising officer”) may authorise the issue of a closure notice in respect of any premises in England and Wales if three conditions are met.
- (2) The first condition is that the officer has reasonable grounds for believing that—
 - (a) during the relevant period, the premises were used for activities related to one or more specified child sex offences, or
 - (b) the premises are likely to be used (unless a closure order is made) for activities related to one or more specified child sex offences.
- (3) In subsection (2)(a), “the relevant period” means the period of 3 months ending with the day on which the officer is considering whether to authorise the issue of the notice.
- (4) The second condition is that the officer has reasonable grounds for believing that the making of a closure order under section 136D is necessary to prevent the premises being used for activities related to one or more specified child sex offences.
- (5) For the purposes of the second condition, it does not matter whether the officer believes that the offence or offences in question have been committed or that they will be committed (or will be committed unless a closure order is made).
- (6) The third condition is that the officer is satisfied that reasonable efforts have been made—
 - (a) to consult the local authority for the area in which the premises are situated, and
 - (b) to establish the identity of any person who resides on the premises or who has control of or responsibility for or an interest in the premises.
- (7) If the local authority has not been consulted when the notice is issued, it must be consulted as soon as possible afterwards.
- (8) An authorisation under subsection (1) may be given orally or in writing, but if it is given orally the authorising officer must confirm it in writing as soon as it is practicable.
- (9) The issue of a closure notice may be authorised whether or not a person has been convicted of any specified child sex offence that the authorising officer believes has been committed.

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- (10) The Secretary of State may by regulations specify premises or descriptions of premises to which this section does not apply.”
- 5 (1) Section 136C (contents and service of closure notice) is amended as follows.
- (2) In subsection (1)(c), after “section 136B” there is inserted “or 136BA”.
- (3) In subsection (3)(d), after “section 136B(7)(b)” there is inserted “or 136BA(6)(b)”.
- 6 (1) Section 136D (power to make a closure order) is amended as follows.
- (2) In subsection (5), for “either subsection (6) or subsection (7) (or both)” there is substituted “at least one of subsections (6), (7) and (7A)”.
- (3) After subsection (7) there is inserted—
- “*(7A)* This subsection applies if—
- (a) during the relevant period, the premises were used for activities related to one or more specified child sex offences, or
- (b) the premises are likely to be used (unless a closure order is made) for activities related to one or more specified child sex offences.”
- (4) In subsection (8), for “subsections (6) and (7)” there is substituted “subsections (6), (7) and (7A)(a)”.
- (5) In subsection (9), for “prostitution or pornography offences” there is substituted “prostitution, pornography or child sex offences”.
- (6) In subsection (10)(a), after “section 136B(7)(b)” there is inserted “or 136BA(6)(b)”.
- (7) In subsection (12), for “prostitution or pornography offences” there is substituted “prostitution, pornography or child sex offences”.
- 7 In section 136H (applications for extension of closure order), in subsection (4), for “prostitution or pornography offences” there is substituted “prostitution, pornography or child sex offences”.
- 8 In section 136I (orders extending closure orders), in subsection (2), for “prostitution or pornography offences” there is substituted “prostitution, pornography or child sex offences”.
- 9 In section 136J (discharge of closure order), in subsection (3), for “prostitution or pornography offences” there is substituted “prostitution, pornography or child sex offences”.
- 10 In section 136O (compensation), in subsection (5)(a), after “section 136B” there is inserted “or 136BA”.
- 11 (1) Section 136R (interpretation) is amended as follows.
- (2) In subsection (2), after “section 136B” there is inserted “or 136BA”.
- (3) After subsection (14) there is inserted—
- “(15) In the application of this Part to England and Wales, references to specified pornography offences are to be ignored.
- (16) “Specified child sex offence” means an offence listed in section 136A(3A).

Status: This is the original version (as it was originally enacted).

(17) In the application of this Part to Northern Ireland, references to specified child sex offences and to section 136BA are to be ignored.”