



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 10

#### MANAGEMENT OF OFFENDERS

### CHAPTER 3

#### MANAGEMENT OF SEX OFFENDERS

#### *Sexual harm prevention orders and sexual risk orders*

### **171 Applications by British Transport Police and Ministry of Defence Police**

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) Section 103A (sexual harm prevention orders: applications and grounds) is amended in accordance with subsections (3) to (6).
- (3) In subsection (4), for the words before paragraph (a) substitute “A person mentioned in subsection (4A) (“the applicant”) may by complaint to a magistrates’ court apply for a sexual harm prevention order in respect of a person if it appears to the applicant that—”.
- (4) After subsection (4) insert—
  - “(4A) Those persons are—
    - (a) a chief officer of police;
    - (b) the Director General of the National Crime Agency (“the Director General”);
    - (c) the chief constable of the British Transport Police Force;
    - (d) the chief constable of the Ministry of Defence Police.”

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*Status: This version of this cross heading contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders. (See end of Document for details)

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(5) For subsection (7) substitute—

“(7) If the Director General, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police makes an application under subsection (4), that person must as soon as practicable notify the chief officer of police for a relevant police area of that application.”

(6) In subsection (9)(b)—

- (a) in the words before sub-paragraph (i), after “the Director General” insert “, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police”, and
- (b) in sub-paragraph (ii), for “Director General” substitute “applicant”.

(7) In section 103F (interim sexual harm prevention orders), after subsection (6) (inserted by section 173 of this Act) insert—

“(7) If the Director General of the National Crime Agency, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police makes an application under this section, that person must as soon as practicable notify the chief officer of police for a relevant police area of that application.

(8) In subsection (7), “relevant police area” has the same meaning as in section 103A (sexual harm prevention orders: applications and grounds) (see section 103A(9)).”

(8) In section 103J(1) (sexual harm prevention orders and interim sexual harm prevention orders: guidance) for “chief officers of police and to the Director General of the National Crime Agency” substitute “chief officers of police, the Director General of the National Crime Agency, the chief constable of the British Transport Police Force and the chief constable of the Ministry of Defence Police”.

(9) Section 122A (sexual risk orders: applications, grounds and effect) is amended in accordance with subsections (10) and (11).

(10) For subsection (1) substitute—

“(1) A person mentioned in subsection (1A) (“the applicant”) may by complaint to a magistrates’ court apply for an order under this section (a “sexual risk order”) in respect of a person (“the defendant”) if it appears to the applicant that the condition in subsection (2) is met.

(1A) Those persons are—

- (a) a chief officer of police;
- (b) the Director General of the National Crime Agency (“the Director General”);
- (c) the chief constable of the British Transport Police Force;
- (d) the chief constable of the Ministry of Defence Police.”

(11) For subsection (5) substitute—

“(5) If the Director General, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police makes an application under subsection (1), that person must as soon as practicable notify the chief officer of police for a relevant police area of that application.”

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- (12) In section 122B(3)(b) (interpretation of section 122A)—
- (a) after “Agency” insert “, the chief constable of the British Transport Police Force or the chief constable for the Ministry of Defence Police”, and
  - (b) in sub-paragraph (ii), for “Director General” substitute “applicant”.
- (13) In section 122E (interim sexual risk orders), after subsection (6) (inserted by section 173 of this Act) insert—
- “(7) If the Director General of the National Crime Agency, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police makes an application under this section, that person must as soon as practicable notify the chief officer of police for a relevant police area of that application.
- (8) In subsection (7), “relevant police area” has the same meaning as in section 122A (sexual risk orders: applications, grounds and effect) (see section 122B(3)).”
- (14) In section 122J(1) (sexual risk orders and interim sexual risk orders: guidance) for “chief officers of police and to the Director General of the National Crime Agency” substitute “chief officers of police, the Director General of the National Crime Agency, the chief constable of the British Transport Police Force and the chief constable of the Ministry of Defence Police”.

#### Commencement Information

- I1** S. 171 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** S. 171 in force at 29.11.2022 by [S.I. 2022/1227](#), [reg. 3\(d\)](#)

## 172 List of countries

- (1) The Secretary of State may—
- (a) prepare a list of countries and territories outside the United Kingdom in which the Secretary of State considers children are at a high risk of sexual abuse or sexual exploitation from United Kingdom nationals or United Kingdom residents, or
  - (b) direct a relevant person to prepare a list of countries and territories outside the United Kingdom in which the relevant person considers children are at a high risk of sexual abuse or sexual exploitation from United Kingdom nationals or United Kingdom residents.
- (2) If a list is prepared by the Secretary of State, the Secretary of State must lay the list before Parliament.
- (3) If a list is prepared by a relevant person—
- (a) the relevant person must submit the list to the Secretary of State, and
  - (b) the Secretary of State must lay the list before Parliament.
- (4) As soon as reasonably practicable after a list has been laid before Parliament, the person who prepared the list must publish it.
- (5) A list published under subsection (4) has effect for the purposes of—

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- (a) section 346 of the Sentencing Code (exercise of power to make sexual harm prevention order),
  - (b) section 350 of the Sentencing Code (sexual harm prevention orders: variations, renewals and discharges),
  - (c) section 103A of the Sexual Offences Act 2003 (sexual harm prevention orders: applications and grounds),
  - (d) section 103E of that Act (sexual harm prevention orders: variations, renewals and discharges),
  - (e) section 103F of that Act (interim sexual harm prevention orders),
  - (f) section 122A of that Act (sexual risk orders: applications, grounds and effect),
  - (g) section 122D of that Act (sexual risk orders: variations, renewals and discharges),
  - (h) section 122E of that Act (interim sexual risk orders),
  - (i) section 136ZG of that Act (variation of sexual harm prevention order made in Scotland by court in England and Wales),
  - (j) section 136ZH of that Act (variation of sexual offences prevention order or foreign travel order by court in England and Wales), and
  - (k) section 136ZI of that Act (variation of sexual risk order made in Scotland by court in England and Wales).
- (6) If a list has been published, the person who prepared it must keep it under review and may, from time to time, prepare a revised list (but see subsections (7) and (8)).
- (7) If the function under subsection (6) is for the time being exercisable by the Secretary of State, the Secretary of State may direct a relevant person to exercise that function.
- (8) If the function under subsection (6) is for the time being exercisable by a relevant person, the Secretary of State may direct that the function is to be exercisable by another relevant person or by the Secretary of State.
- (9) A list published under this section may at any time be withdrawn by the Secretary of State.
- (10) Subsections (2) to (9) apply to a revised list as they apply to a list prepared under subsection (1).
- (11) In this section—
- “child” means a person under 18;
  - “relevant person” means a person whose statutory functions relate to—
    - (a) the prevention or detection of crime, or
    - (b) other law enforcement purposes;
  - “United Kingdom national” means—
    - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
    - (b) a person who under the British Nationality Act 1981 is a British subject, or
    - (c) a British protected person within the meaning of that Act;
  - “United Kingdom resident” means an individual who is resident in the United Kingdom.

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders. (See end of Document for details)

### Commencement Information

- I3** S. 172 not in force at Royal Assent, see **s. 208(1)**
- I4** S. 172(1)-(4)(11) in force at 28.6.2022 by S.I. 2022/520, **reg. 5(u)**
- I5** S. 172(5)(a)-(h) in force at 29.11.2022 by S.I. 2022/1227, **reg. 3(e)(i)**
- I6** S. 172(5)(i)-(k) in force at 31.3.2023 by S.I. 2023/387, **reg. 3(a)**
- I7** S. 172(6)-(10) in force at 29.11.2022 by S.I. 2022/1227, **reg. 3(e)(ii)**

## 173 Requirement for courts and certain persons to have regard to the list of countries

(1) In section 346 of the Sentencing Code (exercise of power to make sexual harm prevention order)—

- (a) the existing text becomes subsection (1), and
- (b) after that subsection insert—

“(2) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at a high risk of sexual abuse or sexual exploitation) and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether a sexual harm prevention order is necessary for the purpose of protecting children generally, or any particular children, from sexual harm from the offender outside the United Kingdom, and
- (b) in particular, whether a prohibition on foreign travel (see section 348) is necessary for that purpose.”

(2) In section 350 of the Sentencing Code (sexual harm prevention orders: variations, renewals and discharges)—

- (a) after subsection (3) insert—

“(3A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, a person mentioned in subsection (2)(b) or (c) must have regard to the list in considering—

- (a) whether to apply for an order varying or renewing a sexual harm prevention order for the purpose of protecting children generally, or any particular children, from sexual harm from the offender outside the United Kingdom, and
- (b) in particular, whether to apply for an order imposing, varying or renewing a prohibition on foreign travel for that purpose.”, and

- (b) after subsection (6A) (inserted by section 175) insert—

“(6B) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether an order varying or renewing the sexual harm prevention order is necessary for the purpose of protecting

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children generally, or any particular children, from sexual harm from the offender outside the United Kingdom, and

- (b) in particular, whether an order imposing, varying or renewing a prohibition on foreign travel is necessary for that purpose.”

(3) The Sexual Offences Act 2003 is amended as follows.

(4) In section 103A (sexual harm prevention orders: applications and grounds)—

- (a) after subsection (3) insert—

“(3A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether a sexual harm prevention order is necessary for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
- (b) in particular, whether a prohibition on foreign travel (see section 103D) is necessary for that purpose.”, and

- (b) after subsection (4A) (inserted by section 171) insert—

“(4B) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, a person mentioned in subsection (4A) must have regard to the list in considering—

- (a) whether a person has since the appropriate date acted in such a way as to give reasonable cause to believe that it is necessary for a sexual harm prevention order to be made for the purpose of protecting children generally, or any particular children, from sexual harm from that person outside the United Kingdom, and
- (b) whether to apply for a prohibition on foreign travel (see section 103D) to be included in any such order for that purpose.”

(5) In section 103E (sexual harm prevention orders: variations, renewals and discharges)

- (a) after subsection (2) insert—

“(2A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, a person mentioned in subsection (2)(b) to (d) must have regard to the list in considering—

- (a) whether to apply for an order varying or renewing a sexual harm prevention order for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
- (b) in particular, whether to apply for an order imposing, varying or renewing a prohibition on foreign travel for that purpose.”,

- (b) after subsection (5A) (inserted by section 175) insert—

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“(5B) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether any order varying or renewing the sexual harm prevention order is necessary for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
- (b) in particular, whether an order imposing, varying or renewing a prohibition on foreign travel is necessary for that purpose.”, and
- (c) in subsection (6), for “subsection (5)” substitute “subsections (2A), (5) and (5B)”.

(6) In section 103F (interim sexual harm prevention orders)—

- (a) after subsection (2) insert—

“(2A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, a person who has made, or is considering making, an application under section 103A(4) must have regard to the list in considering—

- (a) whether to apply for an interim sexual harm prevention order for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
- (b) in particular, whether to apply for a prohibition on foreign travel to be included in any such order for that purpose.”,
- (b) after subsection (3) insert—

“(3A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether to make an interim sexual harm prevention order for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
- (b) in particular, whether to include in any such order a prohibition on foreign travel for that purpose.”, and
- (c) after subsection (5) insert—

“(6) Subsections (2A) and (3A) apply in relation to an application for the variation or renewal of an interim sexual harm prevention order as they apply in relation to an application for such an order.”

(7) In section 122A (sexual risk orders: applications, grounds and effect)—

- (a) after subsection (2) insert—

“(2A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been

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withdrawn, a person mentioned in subsection (1A) must have regard to the list in considering—

- (a) whether as a result of the act mentioned in subsection (2) there is reasonable cause to believe that it is necessary for a sexual risk order to be made for the purpose of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
- (b) whether to apply for a prohibition on foreign travel (see section 122C) to be included in any such order for that purpose.”, and

(b) after subsection (6) insert—

“(6A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether a sexual risk order is necessary for the purpose of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
- (b) in particular, whether a prohibition on foreign travel (see section 122C) is necessary for that purpose.”

(8) In section 122D (sexual risk order: variations, renewals and discharges),

(a) after subsection (2) insert—

“(2A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, a person mentioned in subsection (2)(b) to (d) must have regard to the list in considering—

- (a) whether to apply for an order varying or renewing a sexual risk order for the purpose of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
- (b) in particular, whether to apply for an order imposing, varying or renewing a prohibition on foreign travel for that purpose.”,

(b) in subsection (3) for “the application” substitute “an application made under this section”, and

(c) after subsection (4A) (inserted by section 176) insert—

“(4B) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether any order varying or renewing the sexual risk order is necessary for the purposes of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
- (b) in particular, whether an order imposing, varying or renewing a prohibition on foreign travel is necessary for that purpose.”

(9) In section 122E (interim sexual risk orders)—

(a) after subsection (2) insert—



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- “(2A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, a person who has made, or is considering making, an application for a sexual risk order must have regard to the list in considering—
- (a) whether to apply for an interim sexual risk order for the purpose of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
  - (b) in particular, whether to apply for a prohibition on foreign travel to be included in any such order for that purpose.”
- (b) after subsection (3) insert—
- “(3A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—
- (a) whether to make an interim sexual risk order for the purpose of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
  - (b) in particular, whether to include a prohibition on foreign travel in any such order for that purpose.”
- (c) after subsection (5) insert—
- “(6) Subsections (2A) and (3A) apply in relation to an application for the variation or renewal of an interim sexual risk order as they apply in relation to an application for such an order.”

#### Commencement Information

**18** S. 173 not in force at Royal Assent, see [s. 208\(1\)](#)

**19** S. 173 in force at 29.11.2022 by [S.I. 2022/1227](#), [reg. 3\(f\)](#)

## 174 Standard of proof

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 103A(3) (sexual harm prevention orders: applications and grounds)—
  - (a) omit “and” at the end of paragraph (a), and
  - (b) for paragraph (b) substitute—
    - “(b) the court is satisfied on the balance of probabilities that since the appropriate date the defendant has acted in one or more of the ways alleged by the person making the application, and
    - (c) the court is satisfied that the defendant having acted in such a way makes it necessary to make a sexual harm prevention order, for the purpose of—
      - (i) protecting the public or any particular members of the public from sexual harm from the defendant, or

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(ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.”

(3) In section 122A (sexual risk orders: applications, grounds and effect), for subsection (6) substitute—

“(6) On an application under subsection (1), the court may make a sexual risk order if—

- (a) the court is satisfied on the balance of probabilities that the defendant has, whether before or after the commencement of this Part, done one or more of the acts of a sexual nature alleged by the person making the application, and
- (b) the court is satisfied that as a result of the defendant acting in such a way it is necessary to make such an order for the purpose of—
  - (i) protecting the public or any particular members of the public from harm from the defendant, or
  - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.”

#### Commencement Information

**I10** S. 174 not in force at Royal Assent, see [s. 208\(1\)](#)

**I11** S. 174 in force at 29.11.2022 by [S.I. 2022/1227](#), [reg. 3\(g\)](#)

### 175 Sexual harm prevention orders: power to impose positive requirements

(1) The Sentencing Code is amended in accordance with subsections (2) to (6).

(2) In section 343 (sexual harm prevention order)—

(a) for subsection (1) substitute—

“(1) In this Code a “sexual harm prevention order” means an order made under this Chapter in respect of an offender.

(1A) A sexual harm prevention order may—

- (a) prohibit the offender from doing anything described in the order;
- (b) require the offender to do anything described in the order.”,
- (b) in subsection (2), after “prohibitions” insert “or requirements”, and
- (c) after subsection (2) insert—

“(3) The prohibitions or requirements which are imposed on the offender by a sexual harm prevention order must, so far as practicable, be such as to avoid—

- (a) any conflict with the offender’s religious beliefs,
- (b) any interference with the times, if any, at which the offender normally works or attends any educational establishment, and
- (c) any conflict with any other court order or injunction to which the offender may be subject (but see section 349).”

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- (3) In section 347 (sexual harm prevention order: matters to be specified)—
- (a) in subsection (1)(a), after “prohibitions” insert “and requirements”,
  - (b) in subsection (1)(b)—
    - (i) after “each prohibition” insert “or requirement”, and
    - (ii) for ““prohibition period”” substitute ““specified period””,
  - (c) in subsection (2)—
    - (i) in the words before paragraph (a), for “prohibition period” substitute “specified period”, and
    - (ii) in paragraph (b), after “prohibition” insert “or requirement”, and
  - (d) in subsection (3), after “prohibitions”, in both places it occurs, insert “or requirements”.
- (4) After section 347 insert—

**“347A Sexual harm prevention orders: requirements included in order etc.**

- (1) A sexual harm prevention order that imposes a requirement to do something on an offender must specify a person who is to be responsible for supervising compliance with the requirement.
 

The person may be an individual or an organisation.
- (2) Before including such a requirement in a sexual harm prevention order, the court must receive evidence about its suitability and enforceability from—
  - (a) the individual to be specified under subsection (1), if an individual is to be specified;
  - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
- (3) Subsections (1) and (2) do not apply in relation to electronic monitoring requirements (see instead section 348A(5) and (6)).
- (4) It is the duty of a person specified under subsection (1)—
  - (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (“the relevant requirements”);
  - (b) to promote the offender’s compliance with the relevant requirements;
  - (c) if the person considers that—
    - (i) the offender has complied with all the relevant requirements, or
    - (ii) the offender has failed to comply with a relevant requirement, to inform the appropriate chief officer of police.
- (5) In subsection (4)(c) the “appropriate chief officer of police means—
  - (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the offender lives, or
  - (b) if it appears to that person that the offender lives in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.

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- (6) An offender subject to a requirement imposed by a sexual harm prevention order must—
- (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and
  - (b) notify that person of any change of the offender’s home address.

These obligations have effect as requirements of the order.

- (7) In this section “home address”, in relation to an offender, means—
- (a) the address of the offender’s sole or main residence in the United Kingdom, or
  - (b) where the offender has no such residence, the address or location of a place in the United Kingdom where the offender can regularly be found and, if there is more than one such place, such one of those places as the offender may select.”

- (5) In section 350 (sexual harm prevention orders: variations, renewals and discharges)—

- (a) in subsection (6)—
  - (i) in the words before paragraph (a), after “prohibitions” insert “or requirements”, and
  - (ii) in the words after paragraph (b), after “prohibitions” insert “and requirements”,

- (b) after subsection (6) insert—

“(6A) Any additional prohibitions or requirements that are imposed on the offender must, so far as practicable, be such as to avoid—

- (a) any conflict with the offender’s religious beliefs,
- (b) any interference with the times, if any, at which the offender normally works or attends any educational establishment, and
- (c) any conflict with any other court order or injunction to which the offender may be subject.”, and

- (c) in subsection (8), after “other prohibitions” insert “or requirements”.

- (6) In section 354 (offence: breach of sexual harm prevention order)—

- (a) for subsection (1) substitute—

“(1) A person commits an offence if, without reasonable excuse, the person—

- (a) does anything that the person is prohibited from doing by a sexual harm prevention order, or
- (b) fails to do something that the person is required to do by a sexual harm prevention order.”,

- (b) in subsection (2), for “doing anything prohibited by such an order” substitute “breaching such an order”, and

- (c) omit subsection (3).

- (7) In paragraph 98 of Schedule 22 to the Sentencing Act 2020 (amendment of section 354 of the Sentencing Code), in the substituted subsection (2) for “doing anything prohibited by such an order” substitute “breaching such an order”.

- (8) The Sexual Offences Act 2003 is amended as follows.

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(9) In section 103C (sexual harm prevention orders: effect)—

(a) for subsection (1) substitute—

“(1) A sexual harm prevention order may—

- (a) prohibit the defendant from doing anything described in the order;
- (b) require the defendant to do anything described in the order.”,
- (b) in subsection (2), after “prohibition” insert “or requirement”,
- (c) in subsection (3), after “prohibitions”, in both places it occurs, insert “or requirements”,
- (d) in subsection (4), after “prohibitions” insert “or requirements”, and
- (e) after subsection (4) insert—

“(4A) The prohibitions or requirements which are imposed on the defendant by a sexual harm prevention order must, so far as practicable, be such as to avoid—

- (a) any conflict with the defendant’s religious beliefs,
- (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment, and
- (c) any conflict with any other court order or injunction to which the defendant may be subject (but see subsection (6)).”

(10) After section 103C insert—

**“103CA SHPOs: requirements included in order etc.**

- (1) A sexual harm prevention order that imposes a requirement to do something on a defendant must specify a person who is to be responsible for supervising compliance with the requirement.

The person may be an individual or an organisation.

- (2) Before including such a requirement in a sexual harm prevention order, the court must receive evidence about its suitability and enforceability from—

- (a) the individual to be specified under subsection (1), if an individual is to be specified;
- (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.

- (3) Subsections (1) and (2) do not apply in relation to electronic monitoring requirements (see instead section 103FA(5) and (6)).

- (4) It is the duty of a person specified under subsection (1)—

- (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (“the relevant requirements”);
- (b) to promote the defendant’s compliance with the relevant requirements;
- (c) if the person considers that—
  - (i) the defendant has complied with all the relevant requirements, or

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*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders. (See end of Document for details)

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(ii) the defendant has failed to comply with a relevant requirement,  
to inform the appropriate chief officer of police.

- (5) In subsection (4)(c) the “appropriate chief officer of police means—
- (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the defendant resides, or
  - (b) if it appears to that person that the defendant resides in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.
- (6) A defendant subject to a requirement imposed by a sexual harm prevention order must—
- (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and
  - (b) notify that person of any change of the defendant’s home address.

These obligations have effect as requirements of the order.”

(11) In section 103E (sexual harm prevention orders: variations, renewals and discharges)

- (a) in subsection (5)—
  - (i) in the words before paragraph (a), after “prohibitions” insert “or requirements”, and
  - (ii) in the words after paragraph (b), after “prohibitions” insert “and requirements”,
- (b) after subsection (5) insert—
 

“(5A) Any additional prohibitions or requirements that are imposed on the defendant must, so far as practicable, be such as to avoid—

  - (a) any conflict with the defendant’s religious beliefs,
  - (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment, and
  - (c) any conflict with any other court order or injunction to which the defendant may be subject.”, and
- (c) in subsection (8), after “prohibitions” insert “or requirements”.

(12) In section 103F(3) (interim sexual harm prevention orders), for the words from “, prohibiting the defendant” to the end of the subsection substitute “—

- (a) prohibiting the defendant from doing anything described in the order;
- (b) requiring the defendant to do anything described in the order.”

(13) In section 103I (offence: breach of sexual harm prevention order or interim sexual harm prevention order)—

- (a) before subsection (1) insert—
 

“(A1) A person who, without reasonable excuse—

  - (a) does anything that the person is prohibited from doing by a sexual harm prevention order or an interim sexual harm prevention order, or

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders. (See end of Document for details)

- (b) fails to do something that the person is required to do by a sexual harm prevention order or an interim sexual harm prevention order,  
commits an offence.”,
- (b) in subsection (1), omit paragraphs (a) and (b), and
- (c) omit subsection (2).

#### Commencement Information

**I12** S. 175 not in force at Royal Assent, see [s. 208\(1\)](#)

**I13** S. 175 in force at 29.11.2022 by [S.I. 2022/1227, reg. 3\(h\)](#)

### 176 Sexual risk orders: power to impose positive requirements

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 122A (sexual risk orders: applications, grounds and effect)—
  - (a) for subsection (7) substitute—
 

“(7) A sexual risk order may—

    - (a) prohibit the defendant from doing anything described in the order;
    - (b) require the defendant to do anything described in the order.”,
  - (b) in subsection (8), for the words from “may specify” to the end of the subsection substitute “—
    - (a) has effect for a fixed period (not less than 2 years) specified in the order or until further order, and
    - (b) may specify different periods for different prohibitions or requirements.”,
  - (c) in subsection (9), after “prohibitions” insert “or requirements”, and
  - (d) after subsection (9) insert—
 

“(9A) The prohibitions or requirements which are imposed on the defendant by a sexual risk order must, so far as practicable, be such as to avoid—

    - (a) any conflict with the defendant’s religious beliefs,
    - (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment, and
    - (c) any conflict with any other court order or injunction to which the defendant may be subject (but see subsection (10)).”
- (3) After section 122B insert—

#### “122BA Sexual risk orders: requirements included in order etc.

- (1) A sexual risk order that imposes a requirement to do something on a defendant must specify a person who is to be responsible for supervising compliance with the requirement.

The person may be an individual or an organisation.

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*Status: This version of this cross heading contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders. (See end of Document for details)

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- (2) Before including such a requirement in a sexual risk order, the court must receive evidence about its suitability and enforceability from—
- (a) the individual to be specified under subsection (1), if an individual is to be specified;
  - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
- (3) Subsections (1) and (2) do not apply in relation to electronic monitoring requirements (see instead section 122EA(5) and (6)).
- (4) It is the duty of a person specified under subsection (1)—
- (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (“the relevant requirements”);
  - (b) to promote the defendant’s compliance with the relevant requirements;
  - (c) if the person considers that—
    - (i) the defendant has complied with all the relevant requirements, or
    - (ii) the defendant has failed to comply with a relevant requirement,
 to inform the appropriate chief officer of police.
- (5) In subsection (4)(c) the “appropriate chief officer of police means—
- (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the defendant resides, or
  - (b) if it appears to that person that the defendant resides in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.
- (6) A defendant subject to a requirement imposed by a sexual risk order must—
- (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and
  - (b) notify that person of any change of the defendant’s home address.

These obligations have effect as requirements of the order.”

- (4) In section 122D (sexual risk orders: variations, renewals and discharges)—
- (a) in subsection (4)—
    - (i) in the words before paragraph (a), after “prohibitions” insert “or requirements”, and
    - (ii) in the words after paragraph (b), after “prohibitions” insert “and requirements”, and
  - (b) after that subsection, insert—
 

“(4A) Any additional prohibitions or requirements that are imposed on the defendant must, so far as practicable, be such as to avoid—

    - (a) any conflict with the defendant’s religious beliefs,
    - (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment, and



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- (c) any conflict with any other court order or injunction to which the defendant may be subject.”
- (5) In section 122E(3) (interim sexual risk orders), for the words from “, prohibiting the defendant” to the end of the subsection substitute “—
- (a) prohibiting the defendant from doing anything described in the order;
  - (b) requiring the defendant to do anything described in the order.”
- (6) In section 122H (offence: breach of sexual risk order or interim sexual risk order etc)—
- (a) before subsection (1) insert—
 

“(A1) 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.”,
  - (b) in subsection (1), omit paragraphs (a) and (b), and
  - (c) omit subsection (2).

#### Commencement Information

**114** S. 176 not in force at Royal Assent, see [s. 208\(1\)](#)

**115** S. 176 in force at 29.11.2022 by [S.I. 2022/1227](#), [reg. 3\(i\)](#)

### 177 Positive requirements: further amendments

- (1) In section 351 of the Sentencing Code (variation of sexual harm prevention order by court in Northern Ireland)—
- (a) in subsection (6), in the words before paragraph (a), after “prohibitions” insert “or requirements”, and
  - (b) in subsection (7), in the words before paragraph (a), after “prohibitions” insert “and requirements”.
- (2) In section 113 of the Sexual Offences Act 2003 (offence: breach of SOPO or interim SOPO etc), for subsection (1ZA) substitute—
- “(1ZA) A person commits an offence if, without reasonable excuse, the person—
- (a) contravenes a prohibition imposed by—
    - (i) a sexual harm prevention order,
    - (ii) an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention order on conviction), or
    - (iii) an interim sexual harm prevention order,

other than a prohibition on foreign travel, or
  - (b) fails to comply with a requirement imposed by—
    - (i) a sexual harm prevention order,
    - (ii) an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention order on conviction), or
    - (iii) an interim sexual harm prevention order.”

*Status: This version of this cross heading contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders. (See end of Document for details)

- (3) In section 128 of the Sexual Offences Act 2003 (offence: breach of RSHO or interim RSHO etc)—
- (a) in subsection (1) omit paragraphs (c) and (d), and
  - (b) after subsection (1) insert—
 

“(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.”
- (4) In section 136ZA(2) of the Sexual Offences Act 2003 (application of orders throughout the United Kingdom), after “prohibitions” insert “or requirements”.
- (5) In section 136ZC of the Sexual Offences Act 2003 (variation of sexual harm prevention order by court in Northern Ireland)—
- (a) in subsection (5), in the words before paragraph (a), after “prohibitions” insert “or requirements”, and
  - (b) in subsection (6), in the words before paragraph (a), after “prohibitions” insert “and requirements”.
- (6) In section 136ZD of the Sexual Offences Act 2003 (variation of sexual risk order by court in Northern Ireland)—
- (a) in subsection (4), in the words before paragraph (a), after “prohibitions” insert “or requirements”, and
  - (b) in subsection (5), in the words before paragraph (a), after “prohibitions” insert “and requirements”.
- (7) In section 37 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ([asp 22](#)) (breach of orders equivalent to orders in Chapters 3 and 4: offence)—
- (a) after subsection (1) insert—
 

“(1A) A person commits an offence if, without reasonable excuse, the person fails to do something which the person is required to do by an equivalent order from elsewhere in the United Kingdom.”,
  - (b) in each of subsections (2) and (3), after “subsection (1)” insert “or (1A)”, and
  - (c) in subsection (4), after “prohibitions” insert “or requirements”.

#### Commencement Information

**I16** S. 177 not in force at Royal Assent, see [s. 208\(1\)](#)

**I17** [S. 177\(1\)-\(6\)](#) in force at 29.11.2022 by [S.I. 2022/1227](#), [reg. 3\(j\)](#)

**I18** [S. 177\(7\)](#) in force at 31.3.2023 by [S.I. 2023/387](#), [reg. 3\(b\)](#)

PROSPECTIVE

## 178 Electronic monitoring requirements

- (1) The Sentencing Code is amended in accordance with subsections (2) to (5).

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders. (See end of Document for details)

(2) In section 343 (sexual harm prevention order), after subsection (3) (inserted by section 175 of this Act) insert—

“(4) A sexual harm prevention order may require the offender to submit to electronic monitoring of the offender’s compliance with the prohibitions and requirements imposed by the order (see section 348A for further provision about such a requirement).”

(3) In section 347 (sexual harm prevention orders: matters to be specified)—

- (a) in subsection (1), in the words after paragraph (b), after “United Kingdom” insert “and section 348A for further matters to be included in the case of an electronic monitoring requirement”, and
- (b) in subsection (2), in the words after paragraph (b), after “travel)” insert “and section 348A(8) (electronic monitoring requirements)”.

(4) After section 348 insert—

**“348A Sexual harm prevention orders: electronic monitoring requirements**

(1) Subsections (2) and (3) apply for the purpose of determining whether a court may impose, under section 343(4), an electronic monitoring requirement on the offender in a sexual harm prevention order.

(2) If there is a person (other than the offender) without whose co-operation it would be impracticable to secure the monitoring in question, the requirement may not be imposed without that person’s consent.

(3) The court may impose the requirement only if—

- (a) it has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant area, and
- (b) it is satisfied that the necessary provision can be made under the arrangements currently available.

(4) In subsection (3)(a) “the relevant area” means—

- (a) the local justice area in which it appears to the court that the offender resides or will reside, and
- (b) in a case where it is proposed to include in the order—
  - (i) a requirement that the offender must remain, for specified periods, at a specified place, or
  - (ii) a provision prohibiting the offender from entering a specified place or area,

the local justice area in which the place or area proposed to be specified is situated.

“Specified” means specified in the sexual harm prevention order under which the electronic monitoring requirement is imposed.

(5) A sexual harm prevention order that includes an electronic monitoring requirement must specify the person who is to be responsible for the monitoring.

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*Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders. (See end of Document for details)*

- (6) The person specified under subsection (5) (“the responsible person”) must be of a description specified in regulations made by the Secretary of State.
- (7) Where a sexual harm prevention order imposes an electronic monitoring requirement on the offender, the offender must (among other things)—
  - (a) submit, as required from time to time by the responsible person, to—
    - (i) being fitted with, or the installation of, any necessary apparatus, and
    - (ii) the inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
  - (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and
  - (c) take any steps required by the responsible person for the purpose of keeping in working order any apparatus fitted or installed for the purpose of the monitoring.

These obligations have effect as requirements of the sexual harm prevention order under which the electronic monitoring requirement is imposed.

- (8) A sexual harm prevention order may not provide for an electronic monitoring requirement to have effect for more than 12 months.
- (9) Subsection (8) does not prevent an electronic monitoring requirement from being extended for a further period (of no more than 12 months each time) under section 350.

#### **348B Data from electronic monitoring: code of practice**

- (1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of electronic monitoring of offenders under electronic monitoring requirements imposed by sexual harm prevention orders.
- (2) A failure to observe a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.”
- (5) In section 350 (sexual harm prevention orders: variations, renewals, discharges), after subsection (6B) (inserted by section 173 of this Act) insert—
  - “(6C) Section 348A (electronic monitoring requirements) applies in relation to—
    - (a) the variation of an order to require the defendant to submit to electronic monitoring of the defendant’s compliance with the prohibitions and requirements 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 (6D).
- (6D) In its application to the variation or renewal of an order, section 348A(4)(b) has effect as if—
  - (a) the reference to a case where it is proposed to include in the order a requirement or provision mentioned in sub-paragraph (i) or (ii) included a case where the order already includes such a requirement or provision, and

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- (b) the reference 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.”
- (6) The Sexual Offences Act 2003 is amended in accordance with subsections (7) to (16).
- (7) In section 103C (sexual harm prevention orders: effect)—
- (a) in subsection (2), for “section 103D(1)” substitute “sections 103D(1) and 103FA(8)”, and
  - (b) after subsection (4A) (inserted by section 175 of this Act) insert—
 

“(4B) A sexual harm prevention order may require the defendant to submit to electronic monitoring of the defendant’s compliance with the prohibitions and requirements imposed by the order (see section 103FA for further provision about such a requirement).”
- (8) In section 103E (sexual harm prevention orders: variations, renewals and discharges) after subsection (5B) (inserted by section 173 of this Act) insert—
- “(5C) Section 103FA (electronic monitoring requirements) applies in relation to—
- (a) the variation of an order to require the defendant to submit to electronic monitoring of the defendant’s compliance with the prohibitions and requirements 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 (5D).
- (5D) In its application to the variation or renewal of an order, section 103FA(4)(b) has effect as if—
- (a) the reference to a case where it is proposed to include in the order a requirement or provision mentioned in sub-paragraph (i) or (ii) included a case where the order already includes such a requirement or provision, and
  - (b) the reference 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.”
- (9) In section 103F (interim sexual harm prevention orders)—
- (a) after subsection (3A) (inserted by section 173 of this Act) insert—
 

“(3B) An interim sexual harm prevention order may require the defendant to submit to electronic monitoring of the defendant’s compliance with the prohibitions and requirements imposed by the order (see section 103FA for further provision about such a requirement).”, and
  - (b) in subsection (4) for “Such an order” substitute “An interim sexual harm prevention order”.
- (10) After section 103F insert—
- “103FA SHPOs and interim SHPOs: electronic monitoring requirements**
- (1) Subsections (2) and (3) apply for the purpose of determining whether a court may impose, under section 103C(4B) or section 103F(3B), an electronic

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monitoring requirement on the defendant in a sexual harm prevention order or interim sexual harm prevention order.

- (2) If there is a person (other than the defendant) without whose co-operation it would be impracticable to secure the monitoring in question, the requirement may not be imposed without that person's consent.
- (3) The court may impose the requirement only if—
  - (a) it has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant area, and
  - (b) it is satisfied that the necessary provision can be made under the arrangements currently available.
- (4) In subsection (3)(a) “the relevant area” means—
  - (a) the local justice area in which it appears to the court that the defendant resides or will reside, and
  - (b) in a case where it is proposed to include in the order—
    - (i) a requirement that the defendant must remain, for specified periods, at a specified place, or
    - (ii) a provision prohibiting the defendant from entering a specified place or area,
 the local justice area in which the place or area proposed to be specified is situated.

“Specified” means specified in the sexual harm prevention order or interim sexual harm prevention order under which the electronic monitoring requirement is imposed.
- (5) A sexual harm prevention order or interim sexual harm prevention order that includes an electronic monitoring requirement must specify the person who is to be responsible for the monitoring.
- (6) The person specified under subsection (5) (“the responsible person”) must be of a description specified in regulations made by the Secretary of State.
- (7) Where a sexual harm prevention order or interim sexual harm prevention order imposes an electronic monitoring requirement on the defendant, the defendant must (among other things)—
  - (a) submit, as required from time to time by the responsible person, to—
    - (i) being fitted with, or the installation of, any necessary apparatus, and
    - (ii) the inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
  - (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and
  - (c) take any steps required by the responsible person for the purpose of keeping in working order any apparatus fitted or installed for the purpose of the monitoring.

These obligations have effect as requirements of the sexual harm prevention order or interim sexual harm prevention order under which the electronic monitoring requirement is imposed.

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**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders. (See end of Document for details)

- (8) A sexual harm prevention order or an interim sexual harm prevention order may not provide for an electronic monitoring requirement to have effect for more than 12 months.
- (9) Subsection (8) does not prevent an electronic monitoring requirement from being extended for a further period (of no more than 12 months each time) under section 103E.

### **103FB Data from electronic monitoring: code of practice**

- (1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of electronic monitoring of defendants under electronic monitoring requirements imposed by—
  - (a) sexual harm prevention orders,
  - (b) relevant Scottish orders within the meaning of section 136ZG that have been renewed or varied as mentioned in subsection (11) of that section (variation etc by court in England and Wales to impose electronic monitoring requirement), and
  - (c) sexual offences prevention orders that have been renewed or varied as mentioned in section 136ZH(10) (variation etc by court in England and Wales to impose electronic monitoring requirement).
- (2) A failure to observe a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.”
- (11) In section 122A (sexual risk orders: applications, grounds and effect)—
  - (a) after subsection (8) insert—
    - “(8A) Subsection (8) is subject to section 122C(1) (duration of prohibitions on foreign travel) and section 122EA(8) (duration of electronic monitoring requirements).”, and
  - (b) after subsection (9A) (as inserted by section 176 of this Act) insert—
    - “(9B) A sexual risk order may require the defendant to submit to electronic monitoring of the defendant’s compliance with the prohibitions and requirements imposed by the order (see section 122EA for further provision about such a requirement).”
- (12) In section 122D (sexual risk orders: variations, renewals and discharges) after subsection (4B) (inserted by section 173 of this Act) insert—
  - “(4C) Section 122EA (electronic monitoring requirements) applies in relation to—
    - (a) the variation of an order to require the defendant to submit to electronic monitoring of the defendant’s compliance with the prohibitions and requirements 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 risk order, subject to subsection (4D).
- (4D) In its application to the variation or renewal of an order, section 122EA(4)(b) has effect as if—
  - (a) the reference to a case where it is proposed to include in the order a requirement or provision mentioned in sub-paragraph (i) or (ii)

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included a case where the order already includes such a requirement or provision, and

- (b) the reference 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.”

(13) In section 122E (interim sexual risk orders)—

- (a) after subsection (3A) (inserted by section 173 of this Act) insert—

“(3B) An interim sexual risk order may require the defendant to submit to electronic monitoring of the defendant’s compliance with the prohibitions and requirements imposed by the order (see section 122EA for further provision about such a requirement).”, and

- (b) in subsection (4) for “Such an order” substitute “An interim sexual risk order”.

(14) After section 122E insert—

**“122EA Sexual risk orders and interim sexual risk orders: electronic monitoring requirements**

- (1) Subsections (2) and (3) apply for the purpose of determining whether a court may impose, under section 122A(9B) or section 122E(3B), an electronic monitoring requirement on the defendant in a sexual risk order or interim sexual risk order.
- (2) If there is a person (other than the defendant) without whose co-operation it would be impracticable to secure the monitoring in question, the requirement may not be imposed without that person’s consent.
- (3) The court may impose the requirement only if—
  - (a) it has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant area, and
  - (b) it is satisfied that the necessary provision can be made under the arrangements currently available.
- (4) In subsection (3)(a) “the relevant area” means—
  - (a) the local justice area in which it appears to the court that the defendant resides or will reside, and
  - (b) in a case where it is proposed to include in the order—
    - (i) a requirement that the defendant must remain, for specified periods, at a specified place, or
    - (ii) a provision prohibiting the defendant from entering a specified place or area,
 the local justice area in which the place or area proposed to be specified is situated.

“Specified” means specified in the sexual risk order or interim sexual risk order under which the electronic monitoring requirement is imposed.
- (5) A sexual risk order or interim sexual risk order that includes an electronic monitoring requirement must specify the person who is to be responsible for the monitoring.



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- (6) The person specified under subsection (5) (“the responsible person”) must be of a description specified in regulations made by the Secretary of State.
- (7) Where a sexual risk order or interim sexual risk order imposes an electronic monitoring requirement on the defendant, the defendant must (among other things)—
- (a) submit, as required from time to time by the responsible person, to—
    - (i) being fitted with, or the installation of, any necessary apparatus, and
    - (ii) the inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
  - (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and
  - (c) take any steps required by the responsible person for the purpose of keeping in working order any apparatus fitted or installed for the purpose of the monitoring.

These obligations have effect as requirements of the sexual risk order or interim sexual risk order under which the electronic monitoring requirement is imposed.

- (8) A sexual risk order or an interim sexual risk order may not provide for an electronic monitoring requirement to have effect for more than 12 months.
- (9) Subsection (8) does not prevent an electronic monitoring requirement from being extended for a further period (of no more than 12 months each time) under section 122D.

#### **122EB Data from electronic monitoring: code of practice**

- (1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of electronic monitoring of defendants under electronic monitoring requirements imposed by—
- (a) sexual risk orders,
  - (b) relevant Scottish orders within the meaning of section 136ZI that have been renewed or varied as mentioned in subsection (11) of that section (variation etc by court in England and Wales to impose electronic monitoring requirement), and
  - (c) risk of sexual harm orders that have been renewed or varied as mentioned in section 136ZJ(7) (variation etc by court in England and Wales to impose electronic monitoring requirement).
- (2) A failure to observe a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.”

(15) In section 136ZA, after subsection (2) insert—

“(3) A requirement that is imposed by a relevant order and that relates to the electronic monitoring of a person’s compliance with the prohibitions or requirements imposed by the order is to be treated for the purposes of subsection (2) as a requirement that is expressly confined to a particular locality.”

*Status: This version of this cross heading contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders. (See end of Document for details)

(16) In section 138(3), after “containing” insert “only regulations under section 103FA(6) or section 122EA(6) or”.

#### Commencement Information

**I19** S. 178 not in force at Royal Assent, see [s. 208\(1\)](#)

### 179 Positive requirements and electronic monitoring requirements: service courts

In section 137(3) of the Sexual Offences Act 2003 (service courts: sexual harm prevention orders)—

- (a) in paragraph (a)—
  - (i) after “103A(3)” insert “and (4)”, and
  - (ii) for the words from “and 103J” to “Sentencing Code” substitute “, 103FA(3)(a), (4) and (6) and 103J of this Act, and sections 348A(3) (a), (4) and (6) and 355 to 357 of the Sentencing Code”,
- (b) in paragraph (b), in the words before sub-paragraph (i)—
  - (i) for “103A(1) and (2)” substitute “103A(1), (2) and (3A), and
  - (ii) for the words from “and 103G” to “Sentencing Code” substitute “, 103FA(1), (2), (3)(b) and (5) to (9), 103FB and 103G to 103I of this Act, and sections 343 to 348, 348A(1), (2), (3)(b) and (5) to (9), 348B to 354 and 358 of the Sentencing Code”,
- (c) in paragraph (b)(i), after “paragraphs” insert “(ba), (bb)”,
- (d) after paragraph (b) insert—
  - “(ba) if section 103CA applies to the defendant at a time when the defendant is a person subject to service law or a civilian subject to service discipline, the reference in section 103CA(4)(c) (requirements included in order: report on compliance) to the appropriate chief officer of police is to be read as a reference to a Provost Marshal;
  - (bb) if section 347A applies to the defendant at a time when the defendant is a person subject to service law or a civilian subject to service discipline, the reference in section 347A(4) (c) of the Sentencing Code (requirements included in order: report on compliance) to the appropriate chief office of police is to be read as a reference to a Provost Marshal;”
- (e) in paragraph (c), for “Provost Martial”, in both places it occurs, substitute “Provost Marshal”, and
- (f) in paragraph (c), after sub-paragraph (i) insert—
  - “(ia) the reference in section 103E(2A) to a person mentioned in subsection (2)(b) to (d) is to be read as a reference to a Provost Marshal;
  - (ib) the reference in section 350(3A) of the Sentencing Code to a person mentioned in subsection (2)(b) or (c) is to be read as a reference to a Provost Marshal;”.

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**Status:** This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders. (See end of Document for details)

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#### Commencement Information

**I20** S. 179 not in force at Royal Assent, see **s. 208(1)**

**I21** S. 179 in force at 29.11.2022 by S.I. 2022/1227, **reg. 3(k)**

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Cross Heading: Sexual harm prevention orders and sexual risk orders.