



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 9

PROTECTION FROM SEXUAL HARM AND VIOLENCE

Protection from sexual harm

113 Sexual harm prevention orders and sexual risk orders, etc

- (1) Schedule 5 (amendments of Parts 2 and 3 of the Sexual Offences Act 2003) has effect.
- (2) In section 142 of the Sexual Offences Act 2003 (extent etc)—
 - (a) in subsection (2) (provisions that extend to Northern Ireland, as well as England and Wales), for paragraph (c) there is substituted—
 - “(c) sections 80 to 85, 86 to 88, 89 to 91, 92 to 96, 96B to 103, 122F and 130 to 136ZD;
 - (ca) Part 2A;”;
 - (b) after that subsection there is inserted—

“(2A) Sections 85A, 96A, 96AA, 110, 117A, 119 and 123 to 129 and Schedule 3A extend only to Northern Ireland.”
 - (c) In subsection (3) (provisions that extend to Scotland, as well as England and Wales) for paragraph (a) there is substituted—
 - “(a) sections 80 to 85, 86 to 88, 89 to 91, 92, 94 to 96, 97 to 103, 122F, 130 to 132 and 133 to 136ZB;”;
 - (d) after that subsection there is inserted—

“(3A) Sections 88A to 88I, 96A, 111A, 117B, 120 and 121 extend only to Scotland.

(3B) Sections 104 to 109, 111, 112 to 117, 118 and 122 extend to Northern Ireland and Scotland but not to England and Wales.

(3C) The references to section 96A in subsections (2A) and (3A) are references respectively to—

- (a) the section 96A inserted by the Criminal Justice Act (Northern Ireland) 2013, and
- (b) the section 96A inserted by the Police, Public Order and Criminal Justice (Scotland) Act 2006.”

114 Saving and transitional provision

(1) In this section—

“the 2003 Act” means the Sexual Offences Act 2003;

“existing order” means—

- (a) a sexual offences prevention order under section 104 of the 2003 Act;
- (b) a foreign travel order under section 114 of that Act;
- (c) a risk of sexual harm order under section 123 of that Act;

“new order” means—

- (a) a sexual harm prevention order (made under section 103A of the 2003 Act, inserted by Schedule 5);
- (b) a sexual risk order (made under section 122A of that Act, inserted by that Schedule);

“old order” means—

- (a) a restraining order under section 5A of the Sex Offenders Act 1997;
- (b) a sex offender order under section 2 of the Crime and Disorder Act 1998.

(2) The repeal or amendment by this Act of sections 104 to 122 or sections 123 to 129 of the 2003 Act does not apply in relation to—

- (a) an application made before the commencement day for an existing order;
- (b) an existing order (whether made before or after that day) applied for before that day;
- (c) anything done in connection with such an application or order.

(3) The following sections of the 2003 Act inserted by Schedule 5 apply (as appropriate) to an old order as they apply to a new order—

- (a) section 103E (variation, renewal and discharge of sexual harm prevention order);
- (b) section 103I (offence of breach of sexual harm prevention order);
- (c) section 122D (variation, renewal and discharge of sexual risk order);
- (d) section 122H (offence of breach of sexual risk order).

(4) As from the commencement day there may be no variation of an existing order or an old order that extends the period of the order or of any of its provisions.

(5) At the end of the period of 5 years beginning with the commencement day—

- (a) in relation to any existing order or old order that is still in force, sections 103E and 103I of the 2003 Act or sections 122D and 122H of that Act (as appropriate) have effect, with any necessary modifications (and with any

modifications specified in an order under section 185(7) of this Act), as if the provisions of the order were provisions of a new order;

(b) subsections (2) and (3) cease to have effect.

(6) In this section “commencement day” means the day on which this section comes into force.

115 Use of premises for child sex offences

(1) Schedule 6 (amendments of Part 2A of the Sexual Offences Act 2003) has effect.

(2) For the purposes of sections 136BA and 136D(7A) of the Sexual Offences Act 2003 (inserted by that Schedule), it does not matter whether the offence or offences in question were committed before, or on or after, the date on which this section comes into force.