

SCHEDULES

SCHEDULE 11

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS RELATING TO PART 9

Criminal Procedure (Scotland) Act 1995 (c. 46)

- 51 In section 19AA of the Criminal Procedure (Scotland) Act 1995 (samples etc from sex offenders), in subsection (1)(c), after “an order under section” there is inserted “122A or”.
- 52 In section 19AB of that Act (supplementary provision in risk of sexual harm order cases), in subsection (7), at the end of the definition of “risk of sexual harm order” there is inserted—
- “and also includes an order under section 122A of the 2003 Act (sexual risk orders);”.

Police Act 1997 (c. 50)

- 53 (1) Section 113CA of the Police Act 1997 (suitability information relating to children) is amended as follows.
- (2) After paragraph (f) of subsection (2) there is inserted—
- “(fa) if a sexual harm prevention order, made under section 103A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
- (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which the prohibitions have effect by virtue of section 103C(2) or 103D(1) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 103E(5) of that Act;
- (fb) if an interim sexual harm prevention order, made under section 103F of the Sexual Offences Act 2003, is in effect in respect of the applicant—
- (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 103F(4) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 103F(5) of that Act;”.

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- (3) After paragraph (i) of that subsection there is inserted—
- “(ia) if a sexual risk order, made under section 122A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which the prohibitions have effect by virtue of section 122A(7) or 122C(1) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 122D(4) of that Act;
 - (ib) if an interim sexual risk order, made under section 122E of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 122E(4) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 122E(5) of that Act;”.
- 54 (1) Section 113CB of that Act (suitability information relating to protected adults) is amended as follows.
- (2) After paragraph (f) of subsection (2) there is inserted—
- “(fa) if a sexual harm prevention order, made under section 103A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which the prohibitions have effect by virtue of section 103C(2) or 103D(1) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 103E(5) of that Act;
 - (fb) if an interim sexual harm prevention order, made under section 103F of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 103F(4) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 103F(5) of that Act;”.
- (3) After paragraph (i) of that subsection there is inserted—
- “(ia) if a sexual risk order, made under section 122A of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which the prohibitions have effect by virtue of section 122A(7) or 122C(1) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 122D(4) of that Act;

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- (ib) if an interim sexual risk order, made under section 122E of the Sexual Offences Act 2003, is in effect in respect of the applicant—
 - (i) the prohibitions described in that order;
 - (ii) the date of that order;
 - (iii) the period for which that order has effect by virtue of section 122E(4) of that Act;
 - (iv) details as to whether the order has been varied or renewed under section 122E(5) of that Act;”.

Crime and Disorder Act 1998 (c. 37)

- 55 (1) Section 8 of the Crime and Disorder Act 1998 (parenting orders) is amended as follows.
- (2) For “sexual offences prevention order” there is substituted “sexual harm prevention order”—
- (a) in subsection (1)(b);
 - (b) in subsection (6)(a).
- (3) For subsection (9) there is substituted—
- “(9) In this section “sexual harm prevention order” means an order under section 103A of the Sexual Offences Act 2003 (sexual harm prevention orders).”

Sexual Offences Act 2003 (c. 42)

- 56 In section 88 of the Sexual Offences Act 2003 (section 87: interpretation), in subsection (4)(c), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order,”.
- 57 In section 89 of that Act (young offenders: parental directions), in the Table in subsection (1), after “interim notification order,” there is inserted “sexual harm prevention order, interim sexual harm prevention order,”.
- 58 In section 91A of that Act (review of indefinite notification requirements: qualifying young offender), in subsection (2)(b), after “not subject to” there is inserted “a sexual harm prevention order under section 103A, an interim sexual harm prevention order under section 103F,”.
- 59 In the cross-heading before section 104 of that Act (sexual offences prevention orders: application and grounds), after “orders” there is inserted “(Scotland and Northern Ireland)”.
- 60 In section 108 of that Act (SOPOs: variations, renewals and discharges), in subsection (8)(b) the words “2 or” and “England and Wales or” are omitted.
- 61 In section 109 of that Act (interim SOPOs), in subsection (7)(a) the words “2A or” and “England and Wales or” are omitted.
- 62 (1) Section 110 of that Act (SOPOs and interim SOPOs: appeals) is amended as follows.
- (2) For the heading there is substituted “**Appeals in relation to SOPOs and interim SOPOs: Northern Ireland**”.

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- (3) In subsections (1)(c), (2) and (3)(b), for “the Crown Court” there is substituted “a county court”.
- (4) In subsection (4), for “the Crown Court” there is substituted “the county court”.
- (5) For subsection (5) there is substituted—
- “(5) Any order made by a county court on an appeal under subsection (1)(c) or (2) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 108(7) or 109(6) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”
- 63 (1) Section 113 of that Act (offence: breach of SOPO or interim SOPO) is amended as follows.
- (2) In the heading, at the end there is inserted “**etc**”.
- (3) In subsection (1), in paragraph (d) the words “2, 2A or” and “in England and Wales and” are omitted.
- (4) After that subsection there is inserted—
- “(1ZA) A person commits an offence if, without reasonable excuse, he contravenes a prohibition imposed by—
- (a) a sexual harm prevention order, or
- (b) an interim sexual harm prevention order,
- other than a prohibition on foreign travel.”
- 64 In the cross-heading before section 114 of that Act (foreign travel orders: applications and grounds), after “*orders*” there is inserted “(*Scotland and Northern Ireland*)”.
- 65 (1) Section 117A of that Act (foreign travel orders: surrender of passports) is amended as follows.
- (2) For the heading there is substituted “**Surrender of passports: Northern Ireland**”.
- (3) In subsection (2), after “at a police station” there is inserted “in Northern Ireland”.
- (4) In subsection (3), at the end there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.
- 66 In section 117B of that Act (surrender of passports: Scotland), at the end of subsection (3) there is inserted “(unless the person is subject to an equivalent prohibition under another order)”.
- 67 (1) Section 119 of that Act (foreign travel orders: appeals) is amended as follows.
- (2) For the heading there is substituted “**Appeals in relation to foreign travel orders: Northern Ireland**”.
- (3) In subsection (1), for “the Crown Court” there is substituted “a county court”.
- (4) In subsection (2), for “the Crown Court” there is substituted “the county court”.
- (5) For subsection (3) there is substituted—
- “(3) Any order made by a county court on an appeal under subsection (1)(a) (other than an order directing that an application be re-heard by a court of summary

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- jurisdiction) is for the purposes of section 118(5) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”
- 68 (1) Section 122 (offence: breach of foreign travel order) is amended as follows.
- (2) In the heading, at the end there is inserted “**etc**”.
- (3) In subsection (1)—
- (a) for “excuse, he” there is substituted “excuse—
- (a) he”;
- (b) at the end there is inserted “, or
- (b) he contravenes a prohibition on foreign travel imposed by a sexual harm prevention order.”
- (4) In subsection (1B)(a) the words “England and Wales and” are omitted.
- 69 In the cross-heading before section 123 of that Act, after “*orders*” there is inserted “(*Northern Ireland*)”.
- 70 (1) Section 123 of that Act (risk of sexual harm orders: application, grounds and effect) is amended as follows.
- (2) In subsection (1)—
- (a) for “A chief officer of police” there is substituted “The Chief Constable of the Police Service of Northern Ireland”;
- (b) for “a magistrates’ court” there is substituted “a court of summary jurisdiction”;
- (c) for “his police area” (in both places) there is substituted “Northern Ireland”;
- (d) for “the chief officer” (in both places) there is substituted “the Chief Constable”.
- (3) Subsection (2) is repealed.
- 71 (1) Section 125 (RSHOs: variation, renewals and discharges) is amended as follows.
- (2) In subsection (2), for paragraphs (b) to (d) there is substituted—
- “(b) the Chief Constable of the Police Service of Northern Ireland.”
- (3) In subsection (3), for “and (if they wish to be heard) the other persons mentioned in subsection (2)” there is substituted “, and the other person mentioned in subsection (2) (if that person wishes to be heard)”.
- (4) In subsection (5), for the words after “without the consent of the defendant and” there is substituted “the Chief Constable of the Police Service of Northern Ireland”.
- (5) In subsection (7), for paragraphs (b) and (c) there is substituted—
- “(b) a court of summary jurisdiction for the petty sessions district which includes the area where the defendant resides;
- (c) where the application is made by the Chief Constable of the Police Service of Northern Ireland, any court of summary jurisdiction.”
- 72 In section 126 (interim RSHOs), in subsection (2)(b), for “the person who has made that application” there is substituted “the Chief Constable of the Police Service of Northern Ireland”.
- 73 (1) Section 127 (RSHOs and interim RSHOs) is amended as follows.

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- (2) In subsection (1), for “the Crown Court” there is substituted “a county court”.
- (3) In subsection (2), for “the Crown Court” there is substituted “the county court”.
- (4) For subsection (3) there is substituted—
- “(3) Any order made by a county court on an appeal under subsection (1)(a) or (b) (other than an order directing that an application be re-heard by a court of summary jurisdiction) is for the purposes of section 125(7) or 126(5) (respectively) to be treated as if it were an order of the court from which the appeal was brought (and not an order of the county court).”
- 74 (1) Section 128 (offence: breach of RSHO or interim RSHO) is amended as follows.
- (2) In the heading, after “**interim RSHO**” there is inserted “**etc**”.
- (3) For subsections (1) and (1A) there is substituted—
- “(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,
 - (c) a sexual risk order,
 - (d) an interim sexual risk order,
 - (e) an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (risk of sexual harm orders in Scotland), or
 - (f) an order under section 5 of that Act (interim risk of sexual harm orders in Scotland),
- commits an offence.”
- 75 (1) Section 129 (effect of conviction etc of an offence under section 128) is amended as follows.
- (2) In the heading, after “**section 128**” there is inserted “**etc**”.
- (3) In subsection (1A)(a), after “an offence under section” there is inserted “122H or”.
- (4) For subsection (5) there is substituted—
- “(5) In this section “relevant order” means—
- (a) where the conviction, finding or caution within subsection (1) is in respect of a breach of a risk of sexual harm order or a sexual risk order, that order;
 - (b) where the conviction, finding or caution within subsection (1) is in respect of a breach of an interim risk of sexual harm order or an interim sexual risk order, any risk of sexual harm order or sexual risk order made on the hearing of the application to which the interim order relates or, if no such order is made, the interim order.
- (6) In subsection (5)—
- “risk of sexual harm order” includes an order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;

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“interim risk of sexual harm order” includes an order under section 5 of that Act.”

- 76 (1) Section 133 of that Act (Part 2: general interpretation) is amended as follows.
- (2) In subsection (1), at the appropriate places there is inserted—
- ““interim sexual harm prevention order” has the meaning given by section 103F(2);”;
 - ““interim sexual risk order” has the meaning given by section 122E(2);”;
 - ““prohibition on foreign travel” has the meaning given by section 103D(2) or 122C(2);”;
 - ““sexual harm prevention order” has the meaning given by section 103A(1);”;
 - ““sexual risk order” has the meaning given by section 122A(1);”.
- 77 In section 136 of that Act (Part 2: Northern Ireland), for subsection (8) there is substituted—
- “(8) The reference in section 101 to the Crown Court is to be read as a reference to a county court.”

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)

- 78 (1) Section 7 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (offence: breach of RSHO or interim RSHO) is amended as follows.
- (2) In the heading, after “**interim RSHO**” there is inserted “**etc**”.
- (3) In subsection (2), after “an order made under” there is inserted “section 122A or 122E or”.
- 79 (1) Section 8 of that Act (effect of conviction etc under section 7 of that Act or section 128 of the Sexual Offences Act 2003) is amended as follows.
- (2) In the heading, after “**or section**” there is inserted “**122H or**”.
- (3) In subsection (1)(a), for the words after “an offence under section 7 above” there is substituted “, section 122H of the 2003 Act (breach of sexual risk order or interim sexual risk order in England and Wales) or section 128 of that Act (breach of risk of sexual harm order or interim risk of sexual harm order in Northern Ireland)”.
- (4) In subsection (1)(b), after “an offence under section” there is inserted “122H or”.
- (5) In the definition of “relevant order” in subsection (5)—
- (a) in paragraph (a), for “section 123” there is substituted “an order under section 122A or section 123”;
 - (b) in paragraph (b), after “a breach of” there is inserted “a sexual risk order under section 122A of the 2003 Act or”;
 - (c) for paragraphs (c) and (d) there is substituted—
 - “(c) where the conviction or finding referred to in subsection (1) (a), (c) or (d) above is in respect of a breach of an interim risk of sexual harm order under section 5 above or an interim order under section 122E or 126 of the 2003 Act—

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- (i) any risk of sexual harm order or sexual risk order made upon the application to which the interim order relates; or
 - (ii) if no risk of sexual harm order or sexual risk order has been made, the interim order;
- (d) where the caution referred to in subsection (1)(b) above is in respect of a breach of an interim order under section 122E or 126 of the 2003 Act—
- (i) any order under section 122A or 123 of that Act made upon the application to which the interim order relates; or
 - (ii) if no order under section 122A or 123 of that Act has been made, the interim order.”

Violent Crime Reduction Act 2006 (c. 38)

- 80 In section 56 of the Violent Crime Reduction Act 2006 (cross-border provisions relating to sexual offences), subsection (2) is repealed.

Armed Forces Act 2006 (c. 52)

- 81 In Schedule 3A to the Armed Forces Act 2006 (Court Martial sentencing powers where election for trial by that court instead of CO), paragraph 13(2) and (3) (service sexual offences prevention orders) is repealed.

Armed Forces Act 2011 (c. 18)

- 82 (1) Section 17 of the Armed Forces Act 2011 (service sexual offences prevention orders) is repealed.
- (2) In Schedule 4 to that Act (consequential amendments), paragraph 3(3) is repealed.