

**2004 No. 138 (C. 8)**

**CRIMINAL LAW**

**The Sexual Offences Act 2003 (Commencement) (Scotland)  
Order 2004**

*Made* - - - - *22nd March 2004*

The Scottish Ministers, in exercise of the powers conferred by section 141(1) of the Sexual Offences Act 2003<sup>(a)</sup>, hereby make the following Order:

**Citation and extent**

**1.**—(1) This Order may be cited as the Sexual Offences Act 2003 (Commencement) (Scotland) Order 2004.

(2) This Order extends to Scotland only.

**Commencement**

**2.** The Sexual Offences Act 2003 shall come into force on 1st May 2004 in so far as it is not already in force.

*CATHY JAMIESON*  
A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
22nd March 2004

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<sup>(a)</sup> 2003 c.42. The functions of the Secretary of State were, so far as exercisable in relation to Scotland, transferred to the Scottish Ministers by virtue of section 142(6) of the 2003 Act and section 53 of the Scotland Act 1998 (c.46).

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st May 2004 those provisions of the Sexual Offences Act 2003 (“the 2003 Act”) that extend to Scotland in so far as they are not already in force. Sections 138 and 141 to 143 came into force on Royal Assent.

Part 2 of the 2003 Act and related provisions, except sections 93 and 123 to 129 and Schedule 4, extend to Scotland. Part 2 re-enacts with modifications the provisions of Part I of the Sex Offenders Act 1997 (c.51) (“the 1997 Act”), that require offenders convicted of certain sexual offences to notify their details to the police. It also re-enacts with modifications the provisions of the Crime and Disorder Act 1998 (c.37) that allow the police to apply for sex offender orders (re-named sexual offences prevention orders in the 2003 Act). Part 2 also introduces new civil orders preventing certain relevant offenders from travelling abroad (foreign travel orders).

By virtue of section 81 of the 2003 Act, persons formerly subject to the 1997 Act continue to be subject to the 2003 Act provided the offence they were convicted of is listed in Schedule 3 to the 2003 Act or they remain subject to a sex offender order or an interim order. By virtue of sections 108, 109 and 113 the regime for sexual offences prevention orders applies to those who are already subject to such orders.

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