

*These notes refer to the Sexual Offences Act 2003 (c.42)
which received Royal Assent on 20 November 2003*

SEXUAL OFFENCES ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: General

Section 137: Service courts

270. **Section 137** makes the modifications needed for provisions in Part 2 of the Act relating to court orders, convictions, findings, offences and proceedings to apply in the context of service courts (that is, courts-martial and Standing Civilian Courts) as well as in civilian courts. Service courts have jurisdiction to try all offences equivalent to an England and Wales criminal offence, including the most serious, committed outside the UK, and most such offences committed within the UK, by persons subject to Service law. These persons include Service personnel and, in limited circumstances, some groups of civilians, such as dependants or civil servants accompanying the Services overseas. Section 137 makes clear, for example, that if a person is convicted of a serious sexual offence by a court-martial, that person will be subject to the notification requirements. It also enables Service courts to impose sexual offences prevention orders at the time of sentencing in the same way as civilian courts. Where a Service court is satisfied that the test set out in section 104(1)(b) is met, namely that a sexual offences prevention order is necessary for the purposes of protecting the public in the UK from serious sexual harm, that court will be able to impose such an order in the same way as a civilian court. However, section 137 provides Service courts with the power to impose a sexual offences prevention order only when dealing with an offender in respect of an offence listed in Schedule 3 or 5 and not following an application by the police.

Clause 141: Commencement

271. Clause 141 establishes a power for the Secretary of State to make a statutory instrument setting out how the measures included in this Act will come into force. *Subsection (2)* sets out what such an order may contain. It allows provision to be made for different parts of the Act to commence at different times. It also allows for the order to contain transitional provisions. Those provisions of the Act that are within the devolved competence of the Scottish Parliament will be commenced by the Scottish Ministers.