



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 2

#### NOTIFICATION AND ORDERS

*[<sup>F1</sup>Sexual offences prevention orders [<sup>F1</sup>(Scotland and Northern Ireland)]*

#### **[<sup>F1</sup>[<sup>F2</sup>109] Interim SOPOs**

- (1) This section applies where an application under section 104(5) or 105(1) (“the main application”) has not been determined.
- (2) An application for an order under this section (“an interim sexual offences prevention order”)—
  - (a) may be made by the complaint by which the main application is made, or
  - (b) if the main application has been made, may be made by the person who has made that application, by complaint to the court to which that application has been made.
- (3) The court may, if it considers it just to do so, make an interim sexual offences prevention order, prohibiting the defendant from doing anything described in the order [<sup>F3</sup>or requiring the defendant to do anything described in the order (or both)].
- (4) Such an order—
  - (a) has effect only for a fixed period, specified in the order;
  - (b) ceases to have effect, if it has not already done so, on the determination of the main application.
- (5) [<sup>F4</sup>Section [<sup>F5</sup>107(3)] [<sup>F5</sup>107(2)] [<sup>F4</sup>Section 107(2)] to (5) apply to an interim sexual offences prevention order as if references to an order were references to such an order, and with the omission of “as renewed from time to time” in both places.
- (6) The applicant or the defendant may by complaint apply to the court that made the interim sexual offences prevention order for the order to be varied, renewed or discharged.

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*Changes to legislation: Sexual Offences Act 2003, Section 109 is up to date with all changes known to be in force on or before 06 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (7) Subsection (6) applies to orders under—
- (a) section <sup>F6</sup>... 20(4)(a) of the Crime and Disorder Act 1998 (c. 37) (interim orders made in <sup>F6</sup>... Scotland), and
  - (b) Article 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/2839 (N.I. 20)) (interim orders made in Northern Ireland),
- as it applies to interim sexual offences prevention orders.]]

#### Textual Amendments

- F1** Ss. 104-122 repealed (E.W.) (8.3.2015) by *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 5 para. 3** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(e)
- F2** Ss. 104-109 repealed (S.) (31.3.2023) by *Abusive Behaviour and Sexual Harm (Scotland) Act 2016* (asp 22), **ss. 39(1)(a)**, 45(2)(3) (with ss. 40(2)-(4), 44); S.S.I. 2023/51, **reg. 2** (with reg. 3)
- F3** Words in s. 109(3) inserted (N.I.) (24.6.2014) by *Criminal Justice Act (Northern Ireland) 2013* (c. 7), **ss. 5(4)(a)**, 15(2)(c); S.R. 2014/179, art. 2(c)
- F4** Words in s. 109(5) substituted (N.I.) (24.6.2014) by *Criminal Justice Act (Northern Ireland) 2013* (c. 7), **ss. 5(4)(b)**, 15(2)(c); S.R. 2014/179, art. 2(c)
- F5** Word in s. 109(5) substituted (S.) (1.11.2011) by *Criminal Justice and Licensing (Scotland) Act 2010* (asp 13), **ss. 100(2)(b)**, 206(1); S.S.I. 2011/354, art. 2, Sch.
- F6** Words in s. 109(7)(a) omitted (8.3.2015) by virtue of *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 11 para. 61** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)

#### Modifications etc. (not altering text)

- C1** Pt. 2 applied (with modifications) (S.) (31.3.2023) by *Abusive Behaviour and Sexual Harm (Scotland) Act 2016* (asp 22), **ss. 18(3)**, 45(2)(3) (with s. 44); S.S.I. 2023/51, reg. 2 (with reg. 3)
- C2** Pt. 2 applied (with modifications) (S.) (31.3.2023) by *Abusive Behaviour and Sexual Harm (Scotland) Act 2016* (asp 22), **ss. 35(3)(4)**, 45(2)(3) (with s. 44); S.S.I. 2023/51, reg. 2 (with reg. 3)
- C3** Pt. 2 applied (with modifications) (S.) (31.3.2023) by *Abusive Behaviour and Sexual Harm (Scotland) Act 2016* (asp 22), **s. 38(4)-(6)**, 45(2)(3) (with s. 44); S.S.I. 2023/51, reg. 2 (with reg. 3)

**Changes to legislation:**

Sexual Offences Act 2003, Section 109 is up to date with all changes known to be in force on or before 06 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 60B(5)(i) substituted for s. 60B(5)(i)(ii) by [2015 c. 9 \(N.I.\) Sch. 1 para. 123\(1\)Sch. 9 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). S. 60B already repealed (N.I.) (14.1.2015) by [2015 c. 2 \(N.I.\)](#), s. 28(2), Sch. 5; and omitted (E.W.) (31.7.2015) by virtue of [2015 c. 30](#), Sch. 5 para. 5(2); S.I. 2015/1476, reg. 2(j))
- s. 103C(4B) inserted by [2022 c. 32 s. 178\(7\)\(b\)](#)
- s. 103E(5C)(5D) inserted by [2022 c. 32 s. 178\(8\)](#)
- s. 103F(3B) inserted by [2022 c. 32 s. 178\(9\)\(a\)](#)
- s. 103FA103FB inserted by [2022 c. 32 s. 178\(10\)](#)
- s. 108(9) inserted by [2011 c. 18 s. 17\(2\)](#)
- s. 122A(8A) inserted by [2022 c. 32 s. 178\(11\)\(a\)](#)
- s. 122A(9B) inserted by [2022 c. 32 s. 178\(11\)\(b\)](#)
- s. 122D(4C)(4D) inserted by [2022 c. 32 s. 178\(12\)](#)
- s. 122E(3B) inserted by [2022 c. 32 s. 178\(13\)\(a\)](#)
- s. 122EA122EB inserted by [2022 c. 32 s. 178\(14\)](#)
- s. 136ZA(3) inserted by [2022 c. 32 s. 178\(15\)](#)