Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

Risk of sexual harm orders

125   RSHOs: variations, renewals and discharges

(1) A person within subsection (2) may by complaint to the appropriate court apply for an order varying, renewing or discharging a risk of sexual harm order.

(2) The persons are—
  (a)   the defendant;
  (b)   the chief officer of police on whose application the risk of sexual harm order was made;
  (c)   the chief officer of police for the area in which the defendant resides;
  (d)   a chief officer of police who believes that the defendant is in, or is intending to come to, his police area.

(3) Subject to subsections (4) and (5), on the application the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (2), may make any order, varying, renewing or discharging the risk of sexual harm order, that the court considers appropriate.

(4) An order may be renewed, or varied so as to impose additional prohibitions on the defendant, only if it is necessary to do so for the purpose of protecting children generally or any child from harm from the defendant (and any renewed or varied order may contain only such prohibitions as are necessary for this purpose).

(5) The court must not discharge an order before the end of 2 years beginning with the day on which the order was made, without the consent of the defendant and—
  (a)   where the application is made by a chief officer of police, that chief officer, or

    (b)   in any other case, the chief officer of police for the area in which the defendant resides.

(6) Section 124(2) applies for the purposes of this section.

(7) In this section "the appropriate court" means—

    (a)   the court which made the risk of sexual harm order;

    (b)   a magistrates' court for the area in which the defendant resides; or

    (c)   where the application is made by a chief officer of police, any magistrates' court whose commission area includes any part of his police area.