



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

[^{F1}Risk of sexual harm orders [^{F1}(Northern Ireland)]]

[^{F1}129 Effect of conviction etc. of an offence under section 128 [^{F2}etc]

- (1) This section applies to a person (“the defendant”) who—
- (a) is convicted of an offence [^{F3}mentioned in subsection (1A)];
 - (b) is found not guilty of such an offence by reason of insanity;
 - (c) is found to be under a disability and to have done the act charged against him in respect of such an offence; or
 - (d) is cautioned in respect of such an offence.

[^{F4}(1A) Those offences are—

- (a) an offence under section [^{F5}122H or] 128 of this Act;
- ^{F6}(b)

[^{F7}(1B) This section also applies to a person (“the defendant”) who—

- (a) is convicted of an offence mentioned in subsection (1C),
- (b) is acquitted of such an offence by reason of the special defence set out in section 51A of the Criminal Procedure (Scotland) Act 1995, or
- (c) is found, in respect of such an offence, to be unfit for trial under section 53F of that Act in a case where the court determines that the defendant has done the act constituting the offence.

(1C) Those offences are—

- (a) an offence under section 34 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ([asp 22](#)) (breach of sexual risk order or interim sexual risk order in Scotland);

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- (b) an offence under section 37 of that Act (breach of equivalent orders) in respect of a breach of an order made under section 122A, 122E, 123 or 126 of this Act.]
- (2) Where —
- (a) a defendant was a relevant offender immediately before this section applied to him, and
- (b) the defendant would (apart from this subsection) cease to be subject to the notification requirements of this Part while the relevant order (as renewed from time to time) has effect,
- the defendant remains subject to the notification requirements.
- (3) Where the defendant was not a relevant offender immediately before this section applied to him—
- (a) this section causes the defendant to become subject to the notification requirements of this Part from the time the section first applies to him until the relevant order (as renewed from time to time) ceases to have effect, and
- (b) this Part applies to the defendant, subject to the modification set out in subsection (4).
- (4) The “relevant date” is the date on which this section first applies to the defendant.
- [^{F8}(5) In this section “relevant order” means—
- (a) where the conviction, finding [^{F9}, caution or acquittal] within subsection (1) [^{F10} or (1B)] 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 [^{F11}, caution or acquittal] within subsection (1) [^{F12} or (1B)] 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.]
- [^{F13}(5A) In subsection (5) “sexual risk order” and “interim sexual risk order” include orders under sections 27 and 31 (respectively) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.]
- ^{F14}(6)]

Textual Amendments

- F1** Ss. 123-129 repealed (E.W.) (8.3.2015) by *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 5 para. 5(1)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(e)
- F2** Word in s. 129 heading inserted (8.3.2015) by *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 11 para. 75(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)
- F3** Words in s. 129(1)(a) substituted (8.11.2006) by *Violent Crime Reduction Act 2006* (c. 38), **ss. 56(3), 66(2)**
- F4** S. 129(1A) inserted (8.11.2006) by *Violent Crime Reduction Act 2006* (c. 38), **ss. 56(3), 66(2)**
- F5** Words in s. 129(1A)(a) inserted (8.3.2015) by *Anti-social Behaviour, Crime and Policing Act 2014* (c. 12), s. 185(1), **Sch. 11 para. 75(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)
- F6** S. 129(1A)(b) omitted (31.3.2023) by virtue of *Police, Crime, Sentencing and Courts Act 2022* (c. 32), **ss. 181(2)(a), 208(1)**; S.I. 2023/387, reg. 3(d) (with reg. 4(1))
- F7** S. 129(1B)(1C) inserted (31.3.2023) by *Police, Crime, Sentencing and Courts Act 2022* (c. 32), **ss. 181(2)(b), 208(1)**; S.I. 2023/387, reg. 3(d)

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- F8** S. 129(5)(6) substituted for s. 129(5) (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 75(4)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)
- F9** Words in s. 129(5)(a) substituted (31.3.2023) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 181(2)(c)(i)**, 208(1); S.I. 2023/387, reg. 3(d)
- F10** Words in s. 129(5)(a) inserted (31.3.2023) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 181(2)(c)(ii)**, 208(1); S.I. 2023/387, reg. 3(d)
- F11** Words in s. 129(5)(b) substituted (31.3.2023) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 181(2)(c)(iii)**, 208(1); S.I. 2023/387, reg. 3(d)
- F12** Words in s. 129(5)(b) inserted (31.3.2023) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 181(2)(c)(iv)**, 208(1); S.I. 2023/387, reg. 3(d)
- F13** S. 129(5A) inserted (31.3.2023) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 181(2)(d)**, 208(1); S.I. 2023/387, reg. 3(d)
- F14** S. 129(6) omitted (31.3.2023) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 181(2)(e)**, 208(1); S.I. 2023/387, reg. 3(d) (with reg. 4(1))

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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\(15\)](#)