



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

General

[^{F1}136ZD Variation [^{F2}, renewal or discharge] of sexual risk order by court in Northern Ireland

- (1) This section applies where a sexual risk order has been made in respect of a person who now—
 - (a) is residing in Northern Ireland, or
 - (b) is in or is intending to come to Northern Ireland.
- (2) An application may be made to the appropriate court in Northern Ireland—
 - (a) by the defendant, or
 - (b) by the Chief Constable,for an order varying [^{F3}, renewing or discharging] the sexual risk order.
- (3) Subject to [^{F4}subsections (3A) to (5B)], on the application the court, after hearing the person making the application and the other person mentioned in subsection (2) (if that person wishes to be heard), may make any order varying [^{F5}, renewing or discharging] the sexual risk order that the court considers appropriate.
 - [In determining the application the court must have regard to—
 - ^{F6}(3A) (a) the time for which the defendant is likely to remain in Northern Ireland, and
 - (b) whether—
 - (i) in the case of a sexual risk order made by a court in England and Wales, the defendant is likely to return to, or to visit, England and Wales, or
 - (ii) in the case of a sexual risk order made by a court in Scotland, the defendant is likely to return to, or to visit, Scotland.]

Changes to legislation: Sexual Offences Act 2003, Section 136ZD is up to date with all changes known to be in force on or before 09 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

- (4) An order may be [^{F7}renewed, or] varied so as to impose additional prohibitions [^{F8}or requirements] on the defendant [^{F9}, only] if it is necessary to do so for the purpose of—
- (a) protecting the public in Northern Ireland, or any particular members of the public in Northern Ireland, from harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- (5) An order as [^{F10}renewed or] varied under this section may contain only such prohibitions [^{F11}and requirements] as are necessary for the purpose of—
- (a) protecting the public or any particular members of the public from harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.
- [The court must not discharge a sexual risk order made by a court in England and Wales
- ^{F12}(5A) before the end of 2 years beginning with the day on which the order was made without the consent of the defendant and the Chief Constable.
- (5B) The court must not discharge a sexual risk order made by a court in Scotland, or vary such an order so as to remove a prohibition or requirement, unless the order or, as the case may be, the prohibition or requirement is no longer necessary for the purpose of—
- (a) protecting the public, or any particular members of the public, from harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.]

(6) The defendant may appeal against the making of an order under this section, or the refusal to make such an order, to a county court in Northern Ireland.

(7) On an appeal under subsection (6), the county court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.

(8) In this section—

“the appropriate court” means—

 - (a) where the defendant is aged 18 or over, any court of summary jurisdiction in Northern Ireland;
 - (b) where the defendant is aged under 18, any youth court in Northern Ireland;

“the Chief Constable” means the Chief Constable of the Police Service of Northern Ireland;

[^{F13}“the defendant”, in relation to a sexual risk order made under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22), means the person against whom the order has effect;]

“harm”, “child” and “vulnerable adult” each has the meaning given in section 122B(1);

[^{F13}“sexual risk order” includes a sexual risk order made under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.]]

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Textual Amendments

- F1** Ss. 136ZA-136ZD inserted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 5 para. 6](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(e)
- F2** Words in s. 136ZD heading inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 18 para. 2\(2\)](#); S.I. 2023/387, reg. 3(g)(i)
- F3** Words in s. 136ZD(2) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 18 para. 2\(3\)](#); S.I. 2023/387, reg. 3(g)(i)
- F4** Words in s. 136ZD(3) substituted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 18 para. 2\(4\)\(a\)](#); S.I. 2023/387, reg. 3(g)(i)
- F5** Words in s. 136ZD(3) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 18 para. 2\(4\)\(b\)](#); S.I. 2023/387, reg. 3(g)(i)
- F6** S. 136ZD(3A) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 18 para. 2\(5\)](#); S.I. 2023/387, reg. 3(g)(i)
- F7** Words in s. 136ZD(4) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 18 para. 2\(6\)\(a\)](#); S.I. 2023/387, reg. 3(g)(i)
- F8** Words in s. 136ZD(4) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 177\(6\)\(a\)](#), 208(1); S.I. 2022/1227, reg. 3(j)
- F9** Word in s. 136ZD(4) substituted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 18 para. 2\(6\)\(b\)](#); S.I. 2023/387, reg. 3(g)(i)
- F10** Words in s. 136ZD(5) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 18 para. 2\(7\)](#); S.I. 2023/387, reg. 3(g)(i)
- F11** Words in s. 136ZD(5) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 177\(6\)\(b\)](#), 208(1); S.I. 2022/1227, reg. 3(j)
- F12** S. 136ZD(5A)(5B) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 18 para. 2\(8\)](#); S.I. 2023/387, reg. 3(g)(i)
- F13** Words in s. 136ZD(8) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(1), [Sch. 18 para. 2\(9\)](#); S.I. 2023/387, reg. 3(g)(i)

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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\(15\)](#)