

VIOLENT CRIME REDUCTION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Miscellaneous

Section 56: Cross-border provisions relating to sexual offences

296. The effect of *subsection (1)* of section 56 is that offenders convicted in Scotland of new offences under Scottish law introduced by the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 – new offences of meeting a child following certain preliminary contact (“grooming”); paying for the sexual services of a child; causing or inciting child prostitution or pornography, and arranging or facilitating child prostitution or pornography – and who subsequently become subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (the sex offenders register) in Scotland will also become subject to the notification requirements any time they are in any other part of the United Kingdom.
297. The Scottish Act also made it possible for courts in Scotland to make sexual offences prevention orders (SOPOs) when dealing with a qualifying offender who poses a risk of serious sexual harm (previously in Scotland such orders could only be made on application from the police), as well as introducing risk of sexual harm orders (RoSHOs). The Sexual Offences Act 2003 already introduced court-issued SOPOs and RoSHOs into the rest of the United Kingdom. *Subsection (2)* of section 56 ensures that it is an offence in England and Wales and Northern Ireland to contravene a SOPO made under the Scottish Act. It ensures that persons subject to such SOPOs are also subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 when in any other part of the United Kingdom. *Subsection (3)* of section 56 ensures that contravention of a RoSHO made under the Scottish Act is an offence in England and Wales and Northern Ireland.