

# **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

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## **EXPLANATORY NOTES**

### **BACKGROUND**

#### **Part 9: Protection from sexual harm and violence**

##### **Sexual harm prevention orders and sexual risk orders, etc**

29. The Sexual Offences Act 2003 (“the Sexual Offences Act”) contains provision for three civil preventative orders:
- A sexual offences prevention order (“SOPO”) – This can be made where an offender has been convicted of a relevant sexual or violent offence and prohibitions are necessary to protect the public from serious sexual harm. A SOPO prohibits the offender from doing anything described in the order;
  - A foreign travel order (“FTO”) – This can be made where an offender has been convicted of a sexual offence involving children and there is evidence that the offender intends to commit further sexual offences involving children abroad. A FTO prohibits travel to the country or countries specified in it (or to all foreign countries, if that is what the order says); and
  - A risk of sexual harm order (“RoSHO”) – This can be imposed where a person aged 18 or over has done a specified act in relation to a child under 16 on at least two occasions. To seek a RoSHO, it is not necessary for the defendant to have a conviction for a sexual (or any) offence. A RoSHO prohibits the defendant from doing anything described in it.
30. [Section 113](#) and Schedule 5 amend the Sexual Offences Act to repeal the SOPO, FTO, and RoSHO in England and Wales and replace them with two new orders: the sexual harm prevention order and the sexual risk order. The creation of these new orders follows an independent review of the existing orders in the Sexual Offences Act carried out by Hugh Davies QC, which was published in May 2013.<sup>1</sup> That review concluded that the existing civil prevention orders were not fit for purpose and failed to deliver adequate protection for children from sexual abuse. The report recommended a rationalisation and strengthening of the civil orders provided for in the Sexual Offences Act. The aim of the new orders is to provide enhanced protection for both the public in the UK and children and vulnerable adults abroad.

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<sup>1</sup> [http://www.ecpat.org.uk/sites/default/files/the\\_davies\\_review.pdf](http://www.ecpat.org.uk/sites/default/files/the_davies_review.pdf)