



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 10

#### MANAGEMENT OF OFFENDERS

### CHAPTER 3

#### MANAGEMENT OF SEX OFFENDERS

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

#### **171 Applications by British Transport Police and Ministry of Defence Police**

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) Section 103A (sexual harm prevention orders: applications and grounds) is amended in accordance with subsections (3) to (6).
- (3) In subsection (4), for the words before paragraph (a) substitute “A person mentioned in subsection (4A) (“the applicant”) may by complaint to a magistrates’ court apply for a sexual harm prevention order in respect of a person if it appears to the applicant that—”.
- (4) After subsection (4) insert—
  - “(4A) Those persons are—
    - (a) a chief officer of police;
    - (b) the Director General of the National Crime Agency (“the Director General”);
    - (c) the chief constable of the British Transport Police Force;
    - (d) the chief constable of the Ministry of Defence Police.”

(5) For subsection (7) substitute—

“(7) If the Director General, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police makes an application under subsection (4), that person must as soon as practicable notify the chief officer of police for a relevant police area of that application.”

(6) In subsection (9)(b)—

- (a) in the words before sub-paragraph (i), after “the Director General” insert “, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police”, and
- (b) in sub-paragraph (ii), for “Director General” substitute “applicant”.

(7) In section 103F (interim sexual harm prevention orders), after subsection (6) (inserted by section 173 of this Act) insert—

“(7) If the Director General of the National Crime Agency, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police makes an application under this section, that person must as soon as practicable notify the chief officer of police for a relevant police area of that application.

(8) In subsection (7), “relevant police area” has the same meaning as in section 103A (sexual harm prevention orders: applications and grounds) (see section 103A(9)).”

(8) In section 103J(1) (sexual harm prevention orders and interim sexual harm prevention orders: guidance) for “chief officers of police and to the Director General of the National Crime Agency” substitute “chief officers of police, the Director General of the National Crime Agency, the chief constable of the British Transport Police Force and the chief constable of the Ministry of Defence Police”.

(9) Section 122A (sexual risk orders: applications, grounds and effect) is amended in accordance with subsections (10) and (11).

(10) For subsection (1) substitute—

“(1) A person mentioned in subsection (1A) (“the applicant”) may by complaint to a magistrates’ court apply for an order under this section (a “sexual risk order”) in respect of a person (“the defendant”) if it appears to the applicant that the condition in subsection (2) is met.

(1A) Those persons are—

- (a) a chief officer of police;
- (b) the Director General of the National Crime Agency (“the Director General”);
- (c) the chief constable of the British Transport Police Force;
- (d) the chief constable of the Ministry of Defence Police.”

(11) For subsection (5) substitute—

“(5) If the Director General, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police makes an application under subsection (1), that person must as soon as practicable notify the chief officer of police for a relevant police area of that application.”

- (12) In section 122B(3)(b) (interpretation of section 122A)—
- (a) after “Agency” insert “, the chief constable of the British Transport Police Force or the chief constable for the Ministry of Defence Police”, and
  - (b) in sub-paragraph (ii), for “Director General” substitute “applicant”.
- (13) In section 122E (interim sexual risk orders), after subsection (6) (inserted by section 173 of this Act) insert—
- “(7) If the Director General of the National Crime Agency, the chief constable of the British Transport Police Force or the chief constable of the Ministry of Defence Police makes an application under this section, that person must as soon as practicable notify the chief officer of police for a relevant police area of that application.
- (8) In subsection (7), “relevant police area” has the same meaning as in section 122A (sexual risk orders: applications, grounds and effect) (see section 122B(3)).”
- (14) In section 122J(1) (sexual risk orders and interim sexual risk orders: guidance) for “chief officers of police and to the Director General of the National Crime Agency” substitute “chief officers of police, the Director General of the National Crime Agency, the chief constable of the British Transport Police Force and the chief constable of the Ministry of Defence Police”.