



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### PART 3

#### GENERAL

#### 137 Service courts

- (1) In this Act—
- (a) a reference to a court order or a conviction or finding includes a reference to an order of or a conviction or finding by a service court,
  - (b) a reference to an offence includes a reference to an offence triable by a service court,
  - (c) “proceedings” includes proceedings before a service court, and
  - (d) a reference to proceedings for an offence under this Act includes a reference to proceedings for the offence under section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18) or the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or section 42 of the Naval Discipline Act 1957 (c. 53) for which the offence under this Act is the corresponding civil offence.
- (2) In sections 92 and 104(1), “court” includes a service court.
- (3) Where the court making a sexual offences prevention order is a service court—
- (a) sections 104(1)(a) and (4) to (6), 105, 109, 111 and 112 do not apply,
  - (b) in section 108, “the appropriate court” means the Crown Court in England and Wales, and
  - (c) in section 110(3)(a), the references to the Crown Court and Court of Appeal are references to the Crown Court and Court of Appeal in England and Wales.
- (4) In this section “service court” means a court-martial or Standing Civilian Court.

#### 138 Orders and regulations **E+W+N.I.**

- (1) Any power to make orders or regulations conferred by this Act on the Secretary of State is exercisable by statutory instrument.

*Status: Point in time view as at 02/02/2009.*

*Changes to legislation: Sexual Offences Act 2003, Part 3 is up to date with all changes known to be in force on or before 03 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)*

- (2) A statutory instrument containing an order or regulations under section 21, [<sup>F1</sup>any of sections 83 to 86 or section 130] may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (3) Any other statutory instrument, except one containing an order under section 141, is to be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F2</sup>(4) Orders or regulations made by the Secretary of State under this Act may—
- (a) make different provision for different purposes;
  - (b) include supplementary, incidental, consequential, transitional, transitory or saving provisions.]

#### Extent Information

**E1** This version of this provision extends to England, Wales and Northern Ireland only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** Words in s. 138(2) substituted (E.W.N.I.) (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 142\(10\), 153\(7\)](#); S.I. 2008/1586, [art. 2](#), Sch. 1 para. 45 (subject to Sch. 2)
- F2** S. 138(4) inserted (E.W.N.I.) (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 148\(1\), 153\(7\), Sch. 26 para. 57\(1\)](#); S.I. 2008/1586, [art. 2](#), Sch. 1 para. 48(r) (subject to Sch. 2)

### 138 Orders and regulations **S**

- (1) Any power to make orders or regulations conferred by this Act on the Secretary of State is exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations under section 21, [<sup>F6</sup>83, 84,] 86 or 130 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (3) Any other statutory instrument, except one containing an order under section 141, is to be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Extent Information

**E2** This version of this provision extends to Scotland only; a separate version has been created for England, Wales and Northern Ireland only

#### Textual Amendments

- F6** Words in s. 138(2) inserted (S.) (1.9.2006) by [Police, Public Order and Criminal Justice \(Scotland\) Act 2006 \(asp 10\), ss. 78\(9\), 104](#); S.S.I. 2006/432, [art. 2\(d\)](#)

### 139 Minor and consequential amendments

Schedule 6 contains minor and consequential amendments.

### 140 Repeals and revocations

The provisions listed in Schedule 7 are repealed or revoked to the extent specified.

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## 141 Commencement

- (1) This Act, except this section and sections 138, 142 and 143, comes into force in accordance with provision made by the Secretary of State by order.
- (2) An order under subsection (1) may—
  - (a) make different provision for different purposes;
  - (b) include supplementary, incidental, saving or transitional provisions.

### Subordinate Legislation Made

**P1** S. 141 power fully exercised: 1.5.2004 appointed by {S.I. 2004/874}, art. 2; {S.S.I. 2004/138}, art. 2

## 142 Extent, saving etc.

- (1) Subject to section 137 and to subsections (2) to (4), this Act extends to England and Wales only.
- (2) The following provisions also extend to Northern Ireland—
  - [<sup>F3</sup>(a) sections 46 and 57 to 60C,]
  - (b) [<sup>F4</sup>Schedule 2,]
  - (c) Part 2, and
  - (d) sections 138, 141, 143 and this section.
- (3) The following provisions also extend to Scotland—
  - (a) Part 2 except sections 93 [<sup>F5</sup>, 110] and 123 to 129 and Schedule 4, and
  - (b) sections 138, 141, 143 and this section.
- (4) Unless otherwise provided, any amendment, repeal or revocation made by this Act has the same extent as the provision to which it relates.
- (5) Section 16B of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39) continues to have effect despite the repeal by this Act of section 8 of the Sex Offenders Act 1997 (c. 51).
- (6) For the purposes of the Scotland Act 1998 (c. 46), this Act is to be taken to be a pre-commencement enactment.

### Textual Amendments

- F3** S. 142(2)(a) substituted (E.W.N.I.) (2.2.2009) by [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **11(a)**; S.R. 2008/510, **art. 2**
- F4** S. 142(2)(b) omitted (E.W.N.I.) (2.2.2009) by virtue of [The Sexual Offences \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1779\)](#), arts. 2(3), **11(b)**; S.R. 2008/510, **art. 2**
- F5** Word in s. 142(3) inserted (7.10.2005) by [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005 \(asp 9\)](#), **ss. 17(6)**, 20; S.S.I. 2005/480, **art. 2** (subject to art. 3) (which amending s. 17 was extended (8.11.2006) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 56(1)(a))

## 143 Short title

This Act may be cited as the Sexual Offences Act 2003.

**Status:**

Point in time view as at 02/02/2009.

**Changes to legislation:**

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