



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

^{F1}Sexual harm prevention orders (England and Wales)

[^{F1}103E SHPOs: variations, renewals and discharges

- (1) A person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging a sexual harm prevention order.
- (2) The persons are—
 - (a) the defendant;
 - (b) the chief officer of police for the area in which the defendant resides;
 - (c) a chief officer of police who believes that the defendant is in, or is intending to come to, that officer's police area;
 - (d) where the order was made on an application by a chief officer of police under section 103A(4), that officer.

[If a list has been published under section 172 of the Police, Crime, Sentencing and
^{F2}(2A) Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, a person mentioned in subsection (2) (b) to (d) must have regard to the list in considering—

- (a) whether to apply for an order varying or renewing a sexual harm prevention order for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
 - (b) in particular, whether to apply for an order imposing, varying or renewing a prohibition on foreign travel for that purpose.]
- (3) An application under subsection (1) may be made—

Changes to legislation: Sexual Offences Act 2003, Section 103E 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) View outstanding changes

- (a) where the appropriate court is the Crown Court, in accordance with rules of court;
 - (b) in any other case, by complaint.
- (4) Subject to subsections (5) and (7), on the application the court, after hearing the person making the application and (if they wish to be heard) the other persons mentioned in subsection (2), may make any order, varying, renewing or discharging the sexual harm prevention order, that the court considers appropriate.
- (5) An order may be renewed, or varied so as to impose additional prohibitions [^{F3}or requirements] on the defendant, only if it is necessary to do so for the purpose of—
- (a) protecting the public or any particular members of the public from sexual harm from the defendant, or
 - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.

Any renewed or varied order may contain only such prohibitions [^{F4}and requirements] as are necessary for this purpose.

[Any additional prohibitions or requirements that are imposed on the defendant must, ^{F5}(5A) so far as practicable, be such as to avoid—

- (a) any conflict with the defendant’s religious beliefs,
- (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment, and
- (c) any conflict with any other court order or injunction to which the defendant may be subject.]

[If a list has been published under section 172 of the Police, Crime, Sentencing and ^{F6}(5B) Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether any order varying or renewing the sexual harm prevention order is necessary for the purpose of protecting children generally, or any particular children, from sexual harm from the defendant outside the United Kingdom, and
 - (b) in particular, whether an order imposing, varying or renewing a prohibition on foreign travel is necessary for that purpose.]
- (6) In [^{F7}subsections (2A), (5) and (5B)] “the public”, “sexual harm”, “child” and “vulnerable adult” each has the meaning given in section 103B(1).
- (7) The court must not discharge an order before the end of 5 years beginning with the day on which the order was made, without the consent of the defendant and—
- (a) where the application is made by a chief officer of police, that chief officer, or
 - (b) in any other case, the chief officer of police for the area in which the defendant resides.
- (8) Subsection (7) does not apply to an order containing a prohibition on foreign travel and no other prohibitions [^{F8}or requirements].
- (9) In this section “the appropriate court” means—
- (a) where the Crown Court or the Court of Appeal made the sexual harm prevention order, the Crown Court;

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- (b) where an adult magistrates' court made the order, that court, an adult magistrates' court for the area in which the defendant resides or, where the application is made by a chief officer of police, any adult magistrates' court acting for a local justice area that includes any part of the chief officer's police area;
- (c) where a youth court made the order and the defendant is under the age of 18, that court, a youth court for the area in which the defendant resides or, where the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer's police area;
- (d) where a youth court made the order and the defendant is aged 18 or over, an adult magistrates' court for the area in which the defendant resides or, where the application is made by a chief officer of police, any adult magistrates' court acting for a local justice area that includes any part of the chief officer's police area.

In this subsection “adult magistrates' court” means a magistrates' court that is not a youth court.]

Textual Amendments

- F1** Ss. 103A-103K and cross-heading inserted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 5 para. 2** (with ss. 21, 33, 42, 58, 75, 93, 114(1)(3)-(6)); S.I. 2015/373, art. 2(e)
- F2** S. 103E(2A) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 173(5)(a)**, 208(1); S.I. 2022/1227, reg. 3(f)
- F3** Words in s. 103E(5) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 175(11)(a)(i)**, 208(1); S.I. 2022/1227, reg. 3(h)
- F4** Words in s. 103E(5) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 175(11)(a)(ii)**, 208(1); S.I. 2022/1227, reg. 3(h)
- F5** S. 103E(5A) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 175(11)(b)**, 208(1); S.I. 2022/1227, reg. 3(h)
- F6** S. 103E(5B) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 173(5)(b)**, 208(1); S.I. 2022/1227, reg. 3(f)
- F7** Words in s. 103E(6) substituted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 173(5)(c)**, 208(1); S.I. 2022/1227, reg. 3(f)
- F8** Words in s. 103E(8) inserted (29.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 175(11)(c)**, 208(1); S.I. 2022/1227, reg. 3(h)

Modifications etc. (not altering text)

- C1** Pt. 2 applied (with modifications) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), **ss. 352(2)(b)(3)**, 416(1) (with ss. 2, 398(1), 406, Sch. 27); S.I. 2020/1236, reg. 2

Changes to legislation:

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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\(15\)](#)