



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

[^{F1}Sexual offences prevention orders [^{F1}(Scotland and Northern Ireland)]

[^{F1}[^{F3}113Offence: breach of SOPO or interim SOPO [^{F2}etc]

- (1) A person commits an offence if, without reasonable excuse, he does anything which he is prohibited from doing by—
- a sexual offences prevention order;
 - an interim sexual offences prevention order;
 - an order under section 5A of the Sex Offenders Act 1997 (c. 51) (restraining orders);
 - an order under section ^{F4}... 20 of the Crime and Disorder Act 1998 (c. 37) (sex offender orders and interim orders made ^{F4}... in Scotland);
 - an order under Article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/2839 (N.I. 20)) (sex offender orders and interim orders made in Northern Ireland).

[^{F5}(1ZA) A person commits an offence if, without reasonable excuse, the person—

- contravenes a prohibition imposed by—
 - a sexual harm prevention order,
 - an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention order on conviction), or
 - an interim sexual harm prevention order,other than a prohibition on foreign travel, or
- fails to comply with a requirement imposed by—
 - a sexual harm prevention order,
 - an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention order on conviction), or

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(iii) an interim sexual harm prevention order.]

[^{F6}(1ZB) A person commits an offence if, without reasonable excuse, the person—

- (a) contravenes a prohibition imposed by a relevant Scottish order other than a prohibition on foreign travel, or
- (b) fails to comply with a requirement imposed by a relevant Scottish order.

(1ZC) In subsection (1ZB)—

“prohibition on foreign travel” has the meaning given by section 17(2) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22);

“relevant Scottish order” means—

- (a) a sexual harm prevention order made under section 11 or 12 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, or
- (b) an interim sexual harm prevention order made under section 21 of that Act.]

[^{F7}(1A) A person commits an offence if, without reasonable excuse, he fails to do anything which he is required to do by a sexual offences prevention order or an interim sexual offences prevention order.]

(2) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.

(3) Where a person is convicted of an offence under this section, it is not open to the court by or before which he is convicted to make, in respect of the offence, an order for conditional discharge or, in Scotland, a [^{F8}community payback order].]

Textual Amendments

- F1** Ss. 104-122 repealed (E.W.) (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 5 para. 3** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(e)
- F2** Word in s. 113 heading inserted (8.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 63(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)
- F3** S. 113 repealed (S.) (31.3.2023) by Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22), **ss. 39(1)(b)**, 45(2)(3) (with ss. 40(2)-(4), 44); S.S.I. 2023/51, **reg. 2** (with reg. 3)
- F4** Words in s. 113(1)(d) omitted (8.3.2015) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 63(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(g)(i)
- F5** S. 113(1ZA) substituted (29.11.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 177(2)**, 208(1); S.I. 2022/1227, reg. 3(j)
- F6** S. 113(1ZB)(1ZC) inserted (31.3.2023 for N.I.) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 180(3)**, 208(1); S.I. 2023/387, reg. 3(c)
- F7** S. 113(1A) inserted (N.I.) (24.6.2014) by Criminal Justice Act (Northern Ireland) 2013 (c. 7), **ss. 5(5)**, 15(2)(c); S.R. 2014/179, art. 2(c)
- F8** Words in s. 113(3) substituted (S.) (1.2.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential and Supplementary Provisions) Order 2011 (S.S.I. 2011/25), arts. 1, 2, **Sch. para. 2(4)** (with art. 3)

Modifications etc. (not altering text)

- C1** Pt. 2 applied (with modifications) (S.) (31.3.2023) by Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22), **ss. 18(3)**, 45(2)(3) (with s. 44); S.S.I. 2023/51, reg. 2 (with reg. 3)

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- C2** Pt. 2 applied (with modifications) (S.) (31.3.2023) by [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016 \(asp 22\)](#), [ss. 35\(3\)\(4\)](#), [45\(2\)\(3\)](#) (with s. 44); [S.S.I. 2023/51](#), reg. 2 (with reg. 3)
- C3** Pt. 2 applied (with modifications) (S.) (31.3.2023) by [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016 \(asp 22\)](#), [s. 38\(4\)-\(6\)](#), [45\(2\)\(3\)](#) (with s. 44); [S.S.I. 2023/51](#), reg. 2 (with reg. 3)

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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\(15\)](#)