



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

General

135 Interpretation: mentally disordered offenders

(1) In this Part, a reference to a conviction includes a reference to a finding of a court in summary proceedings, where the court makes an order under an enactment within subsection (2), that the accused did the act charged; and similar references are to be interpreted accordingly.

(2) The enactments are—

- (a) section 37(3) of the Mental Health Act 1983 (c. 20);
- (b) section 58(3) of the Criminal Procedure (Scotland) Act 1995 (c. 46);
- (c) Article 44(4) of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)).

[^{F1}(2A) In the application of this Part in relation to Scotland, a reference to a person being found not guilty of an offence by reason of insanity is to be read as a reference to a person being acquitted of an offence by reason of the special defence set out in section 51A of the Criminal Procedure (Scotland) Act 1995.]

(3) In this Part, a reference to a person being or having been found to be under a disability and to have done the act charged against him in respect of an offence includes a reference to his being or having been found—

- (a) unfit to be tried for the offence;
- (b) to be insane so that his trial for the offence cannot or could not proceed; or
- (c) unfit to be tried and to have done the act charged against him in respect of the offence.

(4) In section 133—

Changes to legislation: Sexual Offences Act 2003, Section 135 is up to date with all changes known to be in force on or before 05 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) a reference to admission or detention under Schedule 1 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25), and the reference to a direction under paragraph 2(1)(b) of that Schedule, include respectively—
 - (i) a reference to admission or detention under Schedule 1 to the Criminal Procedure (Insanity) Act 1964 (c. 84); and
 - (ii) a reference to a restriction order treated as made by paragraph 2(1) of that Schedule;
- (b) a reference to admission or detention under any provision of Part 6 of the Criminal Procedure (Scotland) Act 1995, and the reference to an order under section 57(2)(b) or 59 of that Act, include respectively—
 - (i) a reference to admission or detention under section 174(3) or 376(2) of the Criminal Procedure (Scotland) Act 1975 (c. 21); and
 - (ii) a reference to a restriction order made under section 178(1) or 379(1) of that Act;
- (c) ^{F2}

Textual Amendments

- F1** S. 135(2A) inserted (S.) (25.6.2012 with application in accordance with art. 3 of the commencing S.S.I.) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), **sch. 7 para. 73**; [S.S.I. 2012/160](#), art. 3, sch.
- F2** S. 135(4)(c) repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 58, 60, **Sch. 10 para. 58**, **Sch. 11**; [S.I. 2005/579](#), art. 3(f)-(h)(i)(xi)

Modifications etc. (not altering text)

- C1** S. 135(1) applied by [Criminal Justice and Public Order Act 1994 \(c. 33\)](#), s. **327B(10)** (as inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. **140(1)**, 153(7); [S.I. 2008/1586](#), **art. 2**, **Sch. 1 para. 43** (subject to **Sch. 2**))
- C2** S. 135(2)(a) applied by [Criminal Justice and Public Order Act 1994 \(c. 33\)](#), s. **327B(10)** (as inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. **140(1)**, 153(7); [S.I. 2008/1586](#), **art. 2**, **Sch. 1 para. 43** (subject to **Sch. 2**))
- C3** S. 135(3) applied by [Criminal Justice and Public Order Act 1994 \(c. 33\)](#), s. **327B(10)** (as inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. **140(1)**, 153(7); [S.I. 2008/1586](#), **art. 2**, **Sch. 1 para. 43** (subject to **Sch. 2**))
- C4** S. 135(3) applied by [Criminal Justice and Public Order Act 1994 \(c. 33\)](#), s. **327B(10)** (as inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. **140(1)**, 153(7); [S.I. 2008/1586](#), **art. 2**, **Sch. 1 para. 43** (subject to **Sch. 2**))

Changes to legislation:

Sexual Offences Act 2003, Section 135 is up to date with all changes known to be in force on or before 05 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.

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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\(15\)](#)