



# Sexual Offences Act 2003

## 2003 CHAPTER 42

### [<sup>F1</sup>PART 2A

#### CLOSURE ORDERS

##### *Basic definitions*

#### [<sup>F1</sup>136A Meaning of specified prostitution offence etc.

- (1) This section applies for the purposes of this Part.
- (2) The specified prostitution offences are—
  - (a) an offence under <sup>F2</sup>... Article 37 of the Sexual Offences (Northern Ireland) Order 2008 (“the Northern Ireland Order”);  
[ an offence under section 48 of this Act committed by causing or inciting a child to be sexually exploited within the meaning given by section 51(2)(a);]  
<sup>F3</sup>(aa)
  - (b) an offence under [<sup>F4</sup>Article 38 of the Northern Ireland Order] committed by causing or inciting a child to become a prostitute;  
[ an offence under section 49 of this Act committed by controlling the activities of a child in relation to sexual exploitation within the meaning given by section 51(2)(a);]  
<sup>F5</sup>(ba)
  - (c) an offence under [<sup>F6</sup>Article 39 of the Northern Ireland Order] committed by controlling the activities of a child relating to the child's prostitution;  
[ an offence under section 50 of this Act committed by arranging or facilitating the sexual exploitation, within the meaning given by section 51(2)(a), of a child;]  
<sup>F7</sup>(ca)
  - (d) an offence under [<sup>F8</sup>Article 40 of the Northern Ireland Order] committed by arranging or facilitating a child's prostitution;
  - (e) an offence under section 52 of this Act or Article 62 of the Northern Ireland Order;
  - (f) an offence under section 53 of this Act or Article 63 of the Northern Ireland Order.

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(3) The specified pornography offences are—

- <sup>F9</sup>(za) [ an offence under section 48 of this Act committed by causing or inciting a child to be sexually exploited within the meaning given by section 51(2)(b);]
- (a) an offence under [<sup>F10</sup> Article 38 of the Northern Ireland Order] committed by causing or inciting a child to be involved in pornography;
- <sup>F11</sup>(aa) [ an offence under section 49 of this Act committed by controlling the activities of a child in relation to sexual exploitation within the meaning given by section 51(2)(b);]
- (b) an offence under [<sup>F12</sup> Article 39 of the Northern Ireland Order] committed by controlling the activities of a child relating to the child's involvement in pornography;
- <sup>F13</sup>(ba) [ an offence under section 50 of this Act committed by arranging or facilitating the sexual exploitation, within the meaning given by section 51(2)(b), of a child;]
- (c) an offence under [<sup>F14</sup> Article 40 of the Northern Ireland Order] committed by arranging or facilitating a child's involvement in pornography.

[ The specified child sex offences are—

- <sup>F15</sup>(3A) (a) an offence under any of the following sections of this Act—
  - sections 5 to 13;
  - sections 16 to 19;
  - sections 25 and 26;
  - sections 47 to 50;
- (b) an offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children);
- (c) an offence under any of the following sections of this Act committed against a person under 18—
  - sections 1 to 4;
  - sections 30 to 41;
  - section 59A;
  - section 61;
  - sections 66 [<sup>F16</sup>, 66A, 66B(2) and (3)] and 67.
- <sup>F17</sup>(d) [ an offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed against a person under 18 with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).]

(4) Premises are being used for activities related to a specified prostitution offence—

- (a) in the case of an offence under <sup>F18</sup>... Article 37 of the Northern Ireland Order, at any time when the sexual services mentioned in <sup>F19</sup>... paragraph (1)(a) of that Article are being provided on the premises, and
- (b) in the case of any other specified prostitution offence, at any time when the person in respect of whom the offence is committed is providing sexual services as a prostitute on the premises.

(5) Premises are being used for activities related to a specified pornography offence at any time when the person in respect of whom the offence is committed is doing anything on the premises which enables an indecent image of himself or herself to be recorded.

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- [ Premises are being used for activities related to a specified child sex offence at any <sup>F20</sup>(5A) time when the premises are used—
- (a) to commit the offence, or
  - (b) for activities intended to arrange or facilitate the commission of the offence.]
- (6) Any reference to an offence under this Act includes a reference to—
- (a) an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 of which the corresponding civil offence (within the meaning of the Act in question) is such an offence;
  - (b) an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is such an offence.]

#### Textual Amendments

- F1** Pt. 2A inserted (E.W.N.I.) (1.4.2010 for E.W. and otherwise prosp.) by [Policing and Crime Act 2009](#) (c. 26), ss. 21(1), 116(1), [Sch. 2 para. 1](#) (with s. 21(2)); S.I. 2010/507, [art. 5\(t\)](#) (subject to art. 6)
- F2** Words in s. 136A(2)(a) omitted (8.3.2015) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 6 para. 2\(2\)\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)
- F3** S. 136A(2)(aa) inserted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 64\(2\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F4** Words in s. 136A(2)(b) substituted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 64\(3\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F5** S. 136A(2)(ba) inserted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 64\(4\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F6** Words in s. 136A(2)(c) substituted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 64\(5\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F7** S. 136A(2)(ca) inserted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 64\(6\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F8** Words in s. 136A(2)(d) substituted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 64\(7\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F9** S. 136A(3)(za) inserted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 65\(2\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F10** Words in s. 136A(3)(a) substituted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 65\(3\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F11** S. 136A(3)(aa) inserted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 65\(4\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F12** Words in s. 136A(3)(b) substituted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 65\(5\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F13** S. 136A(3)(ba) inserted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 65\(6\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F14** Words in s. 136A(3)(c) substituted (3.5.2015) by [Serious Crime Act 2015](#) (c. 9), s. 88(1), [Sch. 4 para. 65\(7\)](#); S.I. 2015/820, reg. 2(r)(vii)
- F15** S. 136A(3A) inserted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 6 para. 2\(4\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)
- F16** Words in s. 136A(3A)(c) inserted (31.1.2024) by [Online Safety Act 2023](#) (c. 50), s. 240(1), [Sch. 14 para. 16\(3\)](#); S.I. 2024/31, reg. 2
- F17** S. 136A(3A)(d) inserted (E.W.) (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016](#) (S.I. 2016/244), regs. 1(1), [14](#)
- F18** Words in s. 136A(4)(a) omitted (8.3.2015) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 6 para. 2\(5\)\(a\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)

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- F19** Words in s. 136A(4)(a) omitted (8.3.2015) by virtue of [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 6 para. 2\(5\)\(b\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)
- F20** S. 136A(5A) inserted (8.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 6 para. 2\(6\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 2(f)

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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\(15\)](#)