



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 10

MANAGEMENT OF OFFENDERS

CHAPTER 3

MANAGEMENT OF SEX OFFENDERS

Sexual harm prevention orders and sexual risk orders

173 Requirement for courts and certain persons to have regard to the list of countries

(1) In section 346 of the Sentencing Code (exercise of power to make sexual harm prevention order)—

- (a) the existing text becomes subsection (1), and
- (b) after that subsection insert—

“(2) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at a high risk of sexual abuse or sexual exploitation) and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether a sexual harm prevention order is necessary for the purpose of protecting children generally, or any particular children, from sexual harm from the offender outside the United Kingdom, and
- (b) in particular, whether a prohibition on foreign travel (see section 348) is necessary for that purpose.”

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 173. (See end of Document for details)

(2) In section 350 of the Sentencing Code (sexual harm prevention orders: variations, renewals and discharges)—

(a) after subsection (3) insert—

“(3A) If a list has been published under section 172 of the Police, Crime, Sentencing and 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Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, a person mentioned in subsection (2)(b) or (c) must have regard to the list in considering—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 offender 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.”,

(b) after subsection (6A) (inserted by section 175) insert—

“(6B) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether an 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 offender 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.”

(3) The Sexual Offences Act 2003 is amended as follows.

(4) In section 103A (sexual harm prevention orders: applications and grounds)—

(a) after subsection (3) insert—

“(3A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 (list of countries where children are at high risk of sexual abuse or sexual exploitation) and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether a 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 a prohibition on foreign travel (see section 103D) is necessary for that purpose.”,

(b) after subsection (4A) (inserted by section 171) insert—

“(4B) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, a person mentioned in subsection (4A) must have regard to the list in considering—

- (a) whether a person has since the appropriate date acted in such a way as to give reasonable cause to believe that it is necessary for a sexual harm prevention order to be made for

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the purpose of protecting children generally, or any particular children, from sexual harm from that person outside the United Kingdom, and

- (b) whether to apply for a prohibition on foreign travel (see section 103D) to be included in any such order for that purpose.”

(5) In section 103E (sexual harm prevention orders: variations, renewals and discharges)

- (a) after subsection (2) insert—

“(2A) If a list has been published under section 172 of the Police, Crime, Sentencing and 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.”,

- (b) after subsection (5A) (inserted by section 175) insert—

“(5B) If a list has been published under section 172 of the Police, Crime, Sentencing and 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.”,
- and

- (c) in subsection (6), for “subsection (5)” substitute “subsections (2A), (5) and (5B)”.

(6) In section 103F (interim sexual harm prevention orders)—

- (a) after subsection (2) insert—

“(2A) If a list has been published under section 172 of the Police, Crime, Sentencing and 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 who has made, or is considering making, an application under section 103A(4) must have regard to the list in considering—

- (a) whether to apply for an interim 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 a prohibition on foreign travel to be included in any such order for that purpose.”,

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(b) after subsection (3) insert—

“(3A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether to make an interim 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 include in any such order a prohibition on foreign travel for that purpose.”, and

(c) after subsection (5) insert—

“(6) Subsections (2A) and (3A) apply in relation to an application for the variation or renewal of an interim sexual harm prevention order as they apply in relation to an application for such an order.”

(7) In section 122A (sexual risk orders: applications, grounds and effect)—

(a) after subsection (2) insert—

“(2A) If a list has been published under section 172 of the Police, Crime, Sentencing and 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 (1A) must have regard to the list in considering—

- (a) whether as a result of the act mentioned in subsection (2) there is reasonable cause to believe that it is necessary for a sexual risk order to be made for the purpose of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
- (b) whether to apply for a prohibition on foreign travel (see section 122C) to be included in any such order for that purpose.”, and

(b) after subsection (6) insert—

“(6A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—

- (a) whether a sexual risk order is necessary for the purpose of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
- (b) in particular, whether a prohibition on foreign travel (see section 122C) is necessary for that purpose.”

(8) In section 122D (sexual risk order: variations, renewals and discharges),

(a) after subsection (2) insert—

“(2A) If a list has been published under section 172 of the Police, Crime, Sentencing and 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—

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- (a) whether to apply for an order varying or renewing a sexual risk order for the purpose of protecting children generally, or any particular children, from 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.”,
 - (b) in subsection (3) for “the application” substitute “an application made under this section”, and
 - (c) after subsection (4A) (inserted by section 176) insert—
 - “(4B) If a list has been published under section 172 of the Police, Crime, Sentencing and 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 risk order is necessary for the purposes of protecting children generally, or any particular children, from 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.”
- (9) In section 122E (interim sexual risk orders)—
- (a) after subsection (2) insert—
 - “(2A) If a list has been published under section 172 of the Police, Crime, Sentencing and 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 who has made, or is considering making, an application for a sexual risk order must have regard to the list in considering—
 - (a) whether to apply for an interim sexual risk order for the purpose of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
 - (b) in particular, whether to apply for a prohibition on foreign travel to be included in any such order for that purpose.”,
 - (b) after subsection (3) insert—
 - “(3A) If a list has been published under section 172 of the Police, Crime, Sentencing and Courts Act 2022 and has not been withdrawn, the court must have regard to the list in considering—
 - (a) whether to make an interim sexual risk order for the purpose of protecting children generally, or any particular children, from harm from the defendant outside the United Kingdom, and
 - (b) in particular, whether to include a prohibition on foreign travel in any such order for that purpose.”, and
 - (c) after subsection (5) insert—
 - “(6) Subsections (2A) and (3A) apply in relation to an application for the variation or renewal of an interim sexual risk order as they apply in relation to an application for such an order.”

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 173. (See end of Document for details)

Commencement Information

- I1** S. 173 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [S. 173](#) in force at 29.11.2022 by [S.I. 2022/1227](#), [reg. 3\(f\)](#)

Changes to legislation:

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