



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

174 Standard of proof

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 103A(3) (sexual harm prevention orders: applications and grounds)—
 - (a) omit “and” at the end of paragraph (a), and
 - (b) for paragraph (b) substitute—
 - “(b) the court is satisfied on the balance of probabilities that since the appropriate date the defendant has acted in one or more of the ways alleged by the person making the application, and
 - (c) the court is satisfied that the defendant having acted in such a way makes it necessary to make a sexual harm prevention order, for the purpose of—
 - (i) protecting the public or any particular members of the public from sexual harm from the defendant, or
 - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 174. (See end of Document for details)

sexual harm from the defendant outside the United Kingdom.”

(3) In section 122A (sexual risk orders: applications, grounds and effect), for subsection (6) substitute—

“(6) On an application under subsection (1), the court may make a sexual risk order if—

- (a) the court is satisfied on the balance of probabilities that the defendant has, whether before or after the commencement of this Part, done one or more of the acts of a sexual nature alleged by the person making the application, and
- (b) the court is satisfied that as a result of the defendant acting in such a way it is necessary to make such an order for the purpose of—
 - (i) protecting the public or any particular members of the public from harm from the defendant, or
 - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the United Kingdom.”

Commencement Information

I1 S. 174 not in force at Royal Assent, see [s. 208\(1\)](#)

I2 S. 174 in force at 29.11.2022 by [S.I. 2022/1227](#), [reg. 3\(g\)](#)

Changes to legislation:

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