



# 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*

#### **175 Sexual harm prevention orders: power to impose positive requirements**

(1) The Sentencing Code is amended in accordance with subsections (2) to (6).

(2) In section 343 (sexual harm prevention order)—

(a) for subsection (1) substitute—

“(1) In this Code a “sexual harm prevention order” means an order made under this Chapter in respect of an offender.

(1A) A sexual harm prevention order may—

(a) prohibit the offender from doing anything described in the order;

(b) require the offender to do anything described in the order.”,

(b) in subsection (2), after “prohibitions” insert “or requirements”, and

(c) after subsection (2) insert—

“(3) The prohibitions or requirements which are imposed on the offender by a sexual harm prevention order must, so far as practicable, be such as to avoid—

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- (a) any conflict with the offender’s religious beliefs,
- (b) any interference with the times, if any, at which the offender normally works or attends any educational establishment, and
- (c) any conflict with any other court order or injunction to which the offender may be subject (but see section 349).”

(3) In section 347 (sexual harm prevention order: matters to be specified)—

- (a) in subsection (1)(a), after “prohibitions” insert “and requirements”,
- (b) in subsection (1)(b)—
  - (i) after “each prohibition” insert “or requirement”, and
  - (ii) for ““prohibition period”” substitute ““specified period””,
- (c) in subsection (2)—
  - (i) in the words before paragraph (a), for “prohibition period” substitute “specified period”, and
  - (ii) in paragraph (b), after “prohibition” insert “or requirement”, and
- (d) in subsection (3), after “prohibitions”, in both places it occurs, insert “or requirements”.

(4) After section 347 insert—

**“347A Sexual harm prevention orders: requirements included in order etc.**

- (1) A sexual harm prevention order that imposes a requirement to do something on an offender must specify a person who is to be responsible for supervising compliance with the requirement.

The person may be an individual or an organisation.

- (2) Before including such a requirement in a sexual harm prevention order, the court must receive evidence about its suitability and enforceability from—

- (a) the individual to be specified under subsection (1), if an individual is to be specified;
- (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.

- (3) Subsections (1) and (2) do not apply in relation to electronic monitoring requirements (see instead section 348A(5) and (6)).

(4) It is the duty of a person specified under subsection (1)—

- (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (“the relevant requirements”);
- (b) to promote the offender’s compliance with the relevant requirements;
- (c) if the person considers that—
  - (i) the offender has complied with all the relevant requirements, or
  - (ii) the offender has failed to comply with a relevant requirement, to inform the appropriate chief officer of police.

(5) In subsection (4)(c) the “appropriate chief officer of police means—

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- (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the offender lives, or
- (b) if it appears to that person that the offender lives in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.

(6) An offender subject to a requirement imposed by a sexual harm prevention order must—

- (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and
- (b) notify that person of any change of the offender's home address.

These obligations have effect as requirements of the order.

(7) In this section “home address”, in relation to an offender, means—

- (a) the address of the offender's sole or main residence in the United Kingdom, or
- (b) where the offender has no such residence, the address or location of a place in the United Kingdom where the offender can regularly be found and, if there is more than one such place, such one of those places as the offender may select.”

(5) In section 350 (sexual harm prevention orders: variations, renewals and discharges)—

- (a) in subsection (6)—
  - (i) in the words before paragraph (a), after “prohibitions” insert “or requirements”, and
  - (ii) in the words after paragraph (b), after “prohibitions” insert “and requirements”,
- (b) after subsection (6) insert—

“(6A) Any additional prohibitions or requirements that are imposed on the offender must, so far as practicable, be such as to avoid—

- (a) any conflict with the offender's religious beliefs,
- (b) any interference with the times, if any, at which the offender normally works or attends any educational establishment, and
- (c) any conflict with any other court order or injunction to which the offender may be subject.”, and

- (c) in subsection (8), after “other prohibitions” insert “or requirements”.

(6) In section 354 (offence: breach of sexual harm prevention order)—

- (a) for subsection (1) substitute—

“(1) A person commits an offence if, without reasonable excuse, the person—

- (a) does anything that the person is prohibited from doing by a sexual harm prevention order, or
- (b) fails to do something that the person is required to do by a sexual harm prevention order.”,

- (b) in subsection (2), for “doing anything prohibited by such an order” substitute “breaching such an order”, and

- (c) omit subsection (3).

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- (7) In paragraph 98 of Schedule 22 to the Sentencing Act 2020 (amendment of section 354 of the Sentencing Code), in the substituted subsection (2) for “doing anything prohibited by such an order” substitute “breaching such an order”.
- (8) The Sexual Offences Act 2003 is amended as follows.
- (9) In section 103C (sexual harm prevention orders: effect)—
- (a) for subsection (1) substitute—
    - “(1) A sexual harm prevention order may—
    - (a) prohibit the defendant from doing anything described in the order;
    - (b) require the defendant to do anything described in the order.”,
  - (b) in subsection (2), after “prohibition” insert “or requirement”,
  - (c) in subsection (3), after “prohibitions”, in both places it occurs, insert “or requirements”,
  - (d) in subsection (4), after “prohibitions” insert “or requirements”, and
  - (e) after subsection (4) insert—
    - “(4A) The prohibitions or requirements which are imposed on the defendant by a sexual harm prevention order must, so far as practicable, be such as to avoid—
    - (a) any conflict with the defendant’s religious beliefs,
    - (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment, and
    - (c) any conflict with any other court order or injunction to which the defendant may be subject (but see subsection (6)).”
- (10) After section 103C insert—

**“103CA SHPOs: requirements included in order etc.**

- (1) A sexual harm prevention order that imposes a requirement to do something on a defendant must specify a person who is to be responsible for supervising compliance with the requirement.
- The person may be an individual or an organisation.
- (2) Before including such a requirement in a sexual harm prevention order, the court must receive evidence about its suitability and enforceability from—
    - (a) the individual to be specified under subsection (1), if an individual is to be specified;
    - (b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.
  - (3) Subsections (1) and (2) do not apply in relation to electronic monitoring requirements (see instead section 103FA(5) and (6)).
  - (4) It is the duty of a person specified under subsection (1)—
    - (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (“the relevant requirements”);

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- (b) to promote the defendant’s compliance with the relevant requirements;
  - (c) if the person considers that—
    - (i) the defendant has complied with all the relevant requirements, or
    - (ii) the defendant has failed to comply with a relevant requirement,
 to inform the appropriate chief officer of police.
- (5) In subsection (4)(c) the “appropriate chief officer of police means—
  - (a) the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the defendant resides, or
  - (b) if it appears to that person that the defendant resides in more than one police area, whichever of the chief officers of police of those areas the person thinks it is most appropriate to inform.
- (6) A defendant subject to a requirement imposed by a sexual harm prevention order must—
  - (a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time, and
  - (b) notify that person of any change of the defendant’s home address.

These obligations have effect as requirements of the order.”
- (11) In section 103E (sexual harm prevention orders: variations, renewals and discharges) —
  - (a) in subsection (5)—
    - (i) in the words before paragraph (a), after “prohibitions” insert “or requirements”, and
    - (ii) in the words after paragraph (b), after “prohibitions” insert “and requirements”,
  - (b) after subsection (5) insert—
 

“(5A) Any additional prohibitions or requirements that are imposed on the defendant must, so far as practicable, be such as to avoid—

    - (a) any conflict with the defendant’s religious beliefs,
    - (b) any interference with the times, if any, at which the defendant normally works or attends any educational establishment, and
    - (c) any conflict with any other court order or injunction to which the defendant may be subject.”, and
  - (c) in subsection (8), after “prohibitions” insert “or requirements”.
- (12) In section 103F(3) (interim sexual harm prevention orders), for the words from “, prohibiting the defendant” to the end of the subsection substitute “—
  - (a) prohibiting the defendant from doing anything described in the order;
  - (b) requiring the defendant to do anything described in the order.”
- (13) In section 103I (offence: breach of sexual harm prevention order or interim sexual harm prevention order)—
  - (a) before subsection (1) insert—

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“(A1) A person who, without reasonable excuse—

- (a) does anything that the person is prohibited from doing by a sexual harm prevention order or an interim sexual harm prevention order, or
- (b) fails to do something that the person is required to do by a sexual harm prevention order or an interim sexual harm prevention order,

commits an offence.”,

- (b) in subsection (1), omit paragraphs (a) and (b), and
- (c) omit subsection (2).

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#### Commencement Information

**I1** S. 175 not in force at Royal Assent, see [s. 208\(1\)](#)

**I2** [S. 175](#) in force at 29.11.2022 by [S.I. 2022/1227](#), [reg. 3\(h\)](#)

**Changes to legislation:**

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