



# 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*

#### **176 Sexual risk orders: power to impose positive requirements**

- (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 122A (sexual risk orders: applications, grounds and effect)—
  - (a) for subsection (7) substitute—

“(7) A sexual risk 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 (8), for the words from “may specify” to the end of the subsection substitute “—
    - (a) has effect for a fixed period (not less than 2 years) specified in the order or until further order, and
    - (b) may specify different periods for different prohibitions or requirements.”
  - (c) in subsection (9), after “prohibitions” insert “or requirements”, and

(d) after subsection (9) insert—

“(9A) The prohibitions or requirements which are imposed on the defendant by a sexual risk 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 (10)).”

(3) After section 122B insert—

**“122BA Sexual risk orders: requirements included in order etc.**

(1) A sexual risk 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 risk 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 122EA(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 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 risk 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.”

- (4) In section 122D (sexual risk orders: variations, renewals and discharges)—
  - (a) in subsection (4)—
    - (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”, and
  - (b) after that subsection, insert—

“(4A) 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.”
- (5) In section 122E(3) (interim sexual risk 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.”
- (6) In section 122H (offence: breach of sexual risk order or interim sexual risk order etc)—
  - (a) before subsection (1) insert—

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

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

commits an offence.”,
  - (b) in subsection (1), omit paragraphs (a) and (b), and
  - (c) omit subsection (2).