



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

177 Positive requirements: further amendments

- (1) In section 351 of the Sentencing Code (variation of sexual harm prevention order by court in Northern Ireland)—
 - (a) in subsection (6), in the words before paragraph (a), after “prohibitions” insert “or requirements”, and
 - (b) in subsection (7), in the words before paragraph (a), after “prohibitions” insert “and requirements”.
- (2) In section 113 of the Sexual Offences Act 2003 (offence: breach of SOPO or interim SOPO etc), for subsection (1ZA) substitute—

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

 - (a) contravenes a prohibition imposed by—
 - (i) a sexual harm prevention order,
 - (ii) an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention order on conviction), or
 - (iii) an interim sexual harm prevention order,

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 177. (See end of Document for details)

- other than a prohibition on foreign travel, or
- (b) fails to comply with a requirement imposed by—
- (i) a sexual harm prevention order,
 - (ii) an order under Chapter 2 of Part 11 of the Sentencing Code (sexual harm prevention order on conviction), or
 - (iii) an interim sexual harm prevention order.”
- (3) In section 128 of the Sexual Offences Act 2003 (offence: breach of RSHO or interim RSHO etc)—
- (a) in subsection (1) omit paragraphs (c) and (d), and
 - (b) after subsection (1) insert—
- “(1A) 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.”
- (4) In section 136ZA(2) of the Sexual Offences Act 2003 (application of orders throughout the United Kingdom), after “prohibitions” insert “or requirements”.
- (5) In section 136ZC of the Sexual Offences Act 2003 (variation of sexual harm prevention order by court in Northern Ireland)—
- (a) in subsection (5), in the words before paragraph (a), after “prohibitions” insert “or requirements”, and
 - (b) in subsection (6), in the words before paragraph (a), after “prohibitions” insert “and requirements”.
- (6) In section 136ZD of the Sexual Offences Act 2003 (variation of sexual risk order by court in Northern Ireland)—
- (a) in subsection (4), in the words before paragraph (a), after “prohibitions” insert “or requirements”, and
 - (b) in subsection (5), in the words before paragraph (a), after “prohibitions” insert “and requirements”.
- (7) In section 37 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ([asp 22](#)) (breach of orders equivalent to orders in Chapters 3 and 4: offence)—
- (a) after subsection (1) insert—
- “(1A) A person commits an offence if, without reasonable excuse, the person fails to do something which the person is required to do by an equivalent order from elsewhere in the United Kingdom.”,
- (b) in each of subsections (2) and (3), after “subsection (1)” insert “or (1A)”, and
 - (c) in subsection (4), after “prohibitions” insert “or requirements”.

Commencement Information

- I1** S. 177 not in force at Royal Assent, see [s. 208\(1\)](#)
- I2** [S. 177\(1\)-\(6\)](#) in force at 29.11.2022 by [S.I. 2022/1227](#), [reg. 3\(j\)](#)
- I3** [S. 177\(7\)](#) in force at 31.3.2023 by [S.I. 2023/387](#), [reg. 3\(b\)](#)

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