



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 10

MANAGEMENT OF OFFENDERS

CHAPTER 3

MANAGEMENT OF SEX OFFENDERS

Orders made in different parts of the United Kingdom

181 Effect of conviction for breach of Scottish order etc

(1) In section 122I of the Sexual Offences Act 2003 (effect of conviction etc of an offence under section 122H etc)—

- (a) in subsection (2), omit paragraph (b),
- (b) after subsection (2) insert—

“(2A) This section also applies to a person (“the defendant”) who—

- (a) is convicted of an offence mentioned in subsection (2B),
- (b) is acquitted of such an offence by reason of the special defence set out in section 51A of the Criminal Procedure (Scotland) Act 1995, or
- (c) is found, in respect of such an offence, to be unfit for trial under section 53F of that Act in a case where the court determines that the defendant has done the act constituting the offence.

(2B) Those offences are—

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 181. (See end of Document for details)

- (a) an offence under section 34 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ([asp 22](#)) (breach of sexual risk order or interim sexual risk order in Scotland);
 - (b) an offence under section 37 of that Act (breach of equivalent orders) in respect of a breach of an order made under section 122A, 122E, 123 or 126 of this Act.”
 - (c) in subsection (6)—
 - (i) in paragraph (a), for “or caution” substitute “, caution or acquittal”,
 - (ii) in that paragraph, after “subsection (1)” insert “or (2A)”,
 - (iii) in paragraph (b), for “or caution” substitute “, caution or acquittal”, and
 - (iv) in that paragraph, after “subsection (1)” insert “or (2A)”,
 - (d) after subsection (6) insert—

“(6A) In subsection (6) “sexual risk order” and “interim sexual risk order” include orders under sections 27 and 31 (respectively) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.”, and
 - (e) omit subsection (7).
- (2) In section 129 of the Sexual Offences Act 2003 (effect of conviction etc of an offence under section 128 etc)—
- (a) in subsection (1A), omit paragraph (b),
 - (b) after subsection (1A) insert—

“(1B) This section also applies to a person (“the defendant”) who—

 - (a) is convicted of an offence mentioned in subsection (1C),
 - (b) is acquitted of such an offence by reason of the special defence set out in section 51A of the Criminal Procedure (Scotland) Act 1995, or
 - (c) is found, in respect of such an offence, to be unfit for trial under section 53F of that Act in a case where the court determines that the defendant has done the act constituting the offence.

(1C) Those offences are—

 - (a) an offence under section 34 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ([asp 22](#)) (breach of sexual risk order or interim sexual risk order in Scotland);
 - (b) an offence under section 37 of that Act (breach of equivalent orders) in respect of a breach of an order made under section 122A, 122E, 123 or 126 of this Act.”
- (c) in subsection (5)—
 - (i) in paragraph (a), for “or caution” substitute “, caution or acquittal”,
 - (ii) in that paragraph, after “subsection (1)” insert “or (1B)”,
 - (iii) in paragraph (b), for “or caution” substitute “, caution or acquittal”, and
 - (iv) in that paragraph, after “subsection (1)” insert “or (1B)”,
- (d) after subsection (5) insert—

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 181. (See end of Document for details)

- “(5A) In subsection (5) “sexual risk order” and “interim sexual risk order” include orders under sections 27 and 31 (respectively) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.”, and
- (e) omit subsection (6).

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Commencement Information

I1 S. 181 not in force at Royal Assent, see [s. 208\(1\)](#)

I2 [S. 181](#) in force at 31.3.2023 by [S.I. 2023/387](#), [reg. 3\(d\)](#) (with [reg. 4\(1\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 181.