
STATUTORY INSTRUMENTS

2023 No. 387

The Police, Crime, Sentencing and Courts Act
2022 (Commencement No. 6 and Piloting,
Transitional and Saving Provisions) Regulations 2023

PART 2

Management of Sex Offenders

Provisions coming into force on 31st March 2023

3. The following provisions of the 2022 Act come into force on 31st March 2023—
- (a) section 172(5)(i) to (k) (list of countries);
 - (b) section 177(7) (positive requirements: further amendments);
 - (c) section 180 (enforcement of requirements of orders made in Scotland or Northern Ireland);
 - (d) section 181 (effect of conviction for breach of Scottish order etc);
 - (e) section 182 (orders superseding, or superseded by, Scottish orders);
 - (f) section 183 (variation etc of order by court in another part of the United Kingdom);
 - (g) in Schedule 18 (variation etc of order by court in another part of the United Kingdom)—
 - (i) Part 1 (variation etc of order made in England and Wales or Scotland by court in Northern Ireland);
 - (ii) Part 2 (variation of order by court in Scotland);
 - (iii) Part 3 (variation of order by court in England and Wales) in so far as it inserts the following provisions into the Sexual Offences Act 2003⁽¹⁾—
 - (aa) subsections (1) to (10) and (14) and (15) of section 136ZG (variation, renewal or discharge of sexual harm prevention order made in Scotland by court in England and Wales);
 - (bb) subsections (1) to (9) and (13) to (17) of section 136ZH (variation, renewal or discharge of sexual offences prevention order or foreign travel order by court in England and Wales);
 - (cc) subsections (1) to (10) and (14) and (15) of section 136ZI (variation, renewal or discharge of sexual risk order made in Scotland by court in England and Wales);
 - (dd) subsections (1) to (4) and (10) and (11) of section 136ZJ (variation, renewal or discharge of risk of sexual harm order by court in England and Wales);
 - (ee) subsections (5) and (6) of section 136ZJ apart from paragraph (b) in each of those subsections.

⁽¹⁾ 2003 c. 42. There are amendments to the Act but none are relevant.

Transitional and saving provision for provisions commencing on 31st March 2023

4.—(1) The amendments made by sections 180(5)(a), (6)(a) and (7)(b), 181(1)(a) and (e) and (2)(a) and (e) and 182(7) of the 2022 Act do not apply in relation to—

- (a) an application for an order made under, or an order made under, sections 2 (risk of sexual harm order: application, grounds and effect) or 5 (interim risk of sexual harm orders) of the 2005(2) Act before 31st March 2023, or
- (b) an order made under sections 2 or 5 of that Act on or after 31st March 2023 where the application was made before 31st March 2023.

(2) The amendment made by section 182(4)(a)(i) of the 2022 Act does not apply in relation to an order made by a court in Scotland pursuant to an application for an order under sections 104(3) (sexual offences prevention orders: application and grounds) or 114(4) (foreign travel orders: application and grounds) of the Sexual Offences Act 2003, or under section 2 of the 2005 Act, where that application was made before 31st March 2023.

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- (2) Section 2 was amended by section 103(1), (2)(a) and (b) of the Criminal Justice and Licensing (Scotland) Act 2010 ([asp 13](#)) (“the 2010 Act”) and by paragraph 26(2) of Schedule 7 to the Police and Fire Reform (Scotland) Act 2012 ([asp 13](#)). Section 5 was amended by the 2010 Act, sections 103(1) and (4). Sections 2 and 5 are repealed from 31 March 2023 by section 39(2) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ([asp 9](#)) (“the 2016 Act”); section 40 of that Act makes saving and transitional provision in relation to those repeals.
 - (3) Section 104 was repealed as it had effect in England and Wales by the Anti-social Behaviour, Crime and Policing Act 2014 ([c. 14](#)) (“the 2014 Act”). It is repealed, as it has effect in Scotland, from 31 March 2023, by section 39(1)(a) of the 2016 Act; section 40 of that Act makes saving and transitional provision in relation to that repeal.
 - (4) Section 114 was repealed as it had effect in England and Wales by the 2014 Act. It is repealed, as it has effect in Scotland, from 31 March 2023, by section 39(1)(b) of the 2016 Act; section 40 of that Act makes saving and transitional provision in relation to that repeal.