



Prifysgol Cymru
Y Drindod Dewi Sant
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Trinity Saint David



**Civil Orders:
Prevention of Sexual
Offences.**

Notification Orders (NO) – S97, SOA 2003

A NO places a requirement on offenders who have been convicted or cautioned of SOs abroad, to comply with the notification requirements under Part 2 of SOA 2003 as if they have been convicted or cautioned in the UK

A NO issued against a person will require them to become subject to the notification requirements set out in S82 of the SOA 2003 and become a 'registerable sexual offender'.

NOs are required for British born offenders who are being deported after serving a sentence abroad for a 'registerable sex offence' OR for Foreign National Offenders (FNOs) who are arrested for other offences in your police area & an ACRO police check reveals that they have been convicted of a relevant offence abroad. The offence abroad must be equivalent to an offence under Schedule 2, SOA 2003



Notification Orders (NO) – S97, SOA 2003

An application for a NO can be made in the police area where the offender currently resides, or where they are intending to reside. In order to obtain a NO the court must be satisfied that the following 3 criteria are met:

The offender has been convicted of a relevant offence, or been found not guilty by reason of insanity, or has been cautioned in respect of a relevant offence, namely a Schedule 3 equivalent offence, outside the UK

That the conviction, finding or caution occurred on or after 1.9.97 or the conviction or finding occurred before 1.9.97 but the DP was sentenced on or after 1.9.97 or had yet to be dealt with in respect of it, or the conviction or finding occurred before 1.9.97 but on that date the DP was under sentence in respect of that offence

The S82 notification period in respect of the relevant offence has not yet expired.



Orders to prevent Sexual Harm - SHPO

Sexual Harm Prevention Order (SHPO) – Sexual Offences Act 2003 S103A to 103K

Purpose

To restrict the harmful behaviour of offenders who have been convicted of a sexual or violent or other dangerous offence listed in Schedule 3 or Schedule 5 of the 2003 Act

Effect

To prohibit the offender from doing anything prescribed in the order. Additionally, it requires the offender to become subject to the notification requirements for the duration of the order (if they are not already subject).



Orders to prevent Sexual Harm - SHPO

Test

The order is necessary for protecting the public or any particular members of the public from sexual harm from the defendant, or protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside of the UK

Duration

5 years to indefinite

Foreign travel restrictions can last for up to 5 years, after which they may be renewed

Failure to comply

Breach of any prohibition of an order is a criminal offence, with a maximum penalty of 5 years imprisonment



Orders to prevent Sexual Harm - SRO

Sexual Risk Order (SRO) – Sexual Offences Act 2003 S122A to 122K

Purpose

To restrict the harmful behaviour of any individual who has not been cautioned or convicted of an offence in Schedule 3 or Schedule 5 of the Sexual Offences Act 2003, but who poses a risk of sexual harm

Effect

To prohibit the defendant from doing anything described in the order. Additionally, it requires the defendant to become subject to a limited form of notification requirements for the duration of the order



Orders to prevent Sexual Harm - SRO

Test

The defendant has done an act of a sexual nature as a result of which it is necessary to make such an order for the purpose of

(a) protecting the public or any particular members of the public from harm from the defendant, or

(b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the defendant outside the UK



Orders to prevent Sexual Harm - SRO

Duration

2 years to indefinite.

Foreign travel restrictions can last for up to 5 years, after which they may be renewed

Failure to comply

Breach of any prohibition of a full or interim order is a criminal offence with a maximum penalty of 5 years imprisonment.

Offenders who breach an order also become subject to a limited form of notification requirements





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