

# Anti-social Behaviour, Crime and Policing Bill

## Fact Sheet: Protection from sexual harm and violence

### Background

1. The Government is determined to do everything it can to protect the public from predatory sex offenders. The UK has some of the toughest powers in the world to deal with sex offenders and we are committed to ensuring that the system is as robust as it can be. The view of professionals, including the police, was that the use and effectiveness of the existing civil orders which can be imposed on sex offenders and those who pose a risk could be improved to better protect the public from sexual harm. This was further highlighted in an independent review carried out by Hugh Davies QC which was published in May 2013.<sup>1</sup>
2. There are currently two civil orders which can be imposed on offenders who have been convicted, cautioned, warned or reprimanded for a specified sexual or violent offence (sexual offences prevention orders and foreign travel orders). There is also an order which can be imposed on any adult thought to pose a risk of sexual harm to a child (a risk of sexual harm order).
3. Recognising the feedback from experts, we are repealing the existing orders in England and Wales and replacing them with two new orders: the sexual harm prevention order and the sexual risk order (see Schedule 5 to the Bill).
4. The grounds on which these orders may be made are wider than those for the current orders, which means that they can be used to manage risk against adults as well as children. The available prohibitions are also wider so, for example, foreign travel restrictions can be imposed under either order. In addition to the police, the National Crime Agency (NCA) will also have the power to apply for the new orders. The Home Secretary will issue statutory guidance in relation to the new orders to the police and the NCA.
5. These reforms will address gaps in the current system and ensure that the police and the NCA have the powers they need to manage those who pose a risk of sexual harm.
6. In developing these proposals the Government has consulted with expert practitioners, including the police, the courts, the National Offender Management Service, and the NCA (Child Exploitation and Online Protection Centre).

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<sup>1</sup> [http://www.ecpat.org.uk/sites/default/files/the\\_davies\\_review.pdf](http://www.ecpat.org.uk/sites/default/files/the_davies_review.pdf)

## **The sexual harm prevention order**

7. The new sexual harm prevention order (SHPO) will replace the sexual offences prevention order and foreign travel order and may be made in relation to a person who has been convicted of or cautioned for a sexual or violent offence (including equivalent offences committed overseas) and who poses a risk of sexual harm to the public.
8. The SHPO may be made by a court on conviction for a sexual or violent offence, or by the magistrates' court on application by the police or NCA. A court may impose an order for the purposes of protecting the public in the UK and/or children or vulnerable adults abroad from sexual harm.
9. An order may prohibit the person from doing anything described in it – this includes preventing travel overseas. Any prohibition must be necessary for protecting the public in the UK from sexual harm or, in relation to foreign travel, protecting children or vulnerable adults from sexual harm.
10. An SHPO will make the person subject to the notification requirements for registered sex offenders for the duration of the order (that is, it puts them on the 'sex offenders' register'), if they are not already.
11. An SHPO lasts a minimum of five years and has no maximum duration, with the exception of any foreign travel restrictions which, if applicable, must be renewed after five years.
12. In line with the existing position, breach of an order is a criminal offence punishable by a maximum of five years' imprisonment, the criminal standard of proof continues to apply, the person concerned is able to appeal against the making of the order, and the police or the person concerned are able to apply for the order to be varied, renewed or discharged.

## **The sexual risk order**

13. The sexual risk order (SRO) will replace the risk of sexual harm order and may be made in relation to a person without a conviction for a sexual or violent offence (or any offence), but who poses a risk of sexual harm.
14. The SRO may be made by the magistrates' court on application by the police or NCA where an individual has done an act of a sexual nature and as a result poses a risk of harm to the public in the UK or adults or vulnerable children overseas.

15. An SRO may prohibit the person from doing anything described in it – this includes preventing travel overseas. Any prohibition must be necessary for protecting the public in the UK from sexual harm or, in relation to foreign travel, protecting children or vulnerable adults from sexual harm.
16. An individual subject to a SRO is required to notify the police of their name and home address within three days of the order being made, and also to notify any changes to this information within three days.
17. A SRO lasts a minimum of two years and has no maximum duration, with the exception of any foreign travel restrictions which, if applicable, last for a maximum of five years (but may be renewed).
18. As with the SHPO, breach of an order is a criminal offence punishable by a maximum of five years' imprisonment, the criminal standard of proof continues to apply, the person concerned is able to appeal against the making of the order, and the police or the person concerned are able to apply for the order to be varied, renewed or discharged.

### **Violent Offender Orders**

19. The Bill also closes a gap in relation to Violent Offender Orders (VOOs), which can be used by the police to impose restrictions on offenders convicted of a specified offence who pose a risk of serious violent harm to the public. VOOs are designed to protect the public from serious violent harm and also impose restrictions on an offender by prohibiting their access to certain places, premises, events or people to whom they pose the highest risk.
20. The offences on the basis of which a VOO can be obtained do not currently include murder committed overseas (murder was not originally included on the list of specified offences, because an individual convicted in the UK automatically becomes subject to licence conditions for life).
21. Clause 106 adds the offence of murder overseas as an offence which can form the basis on which a VOO can be obtained, and thereby closes this gap.
22. Clause 106 also confers on the Home Secretary the power to prescribe further specified offences by order (subject to the affirmative procedure).