

## **BREACH OF SEXUAL OFFENCES PREVENTION ORDER**

### **Sexual Offences Act 2003**

113. – (1) A person commits an offence if, without reasonable excuse, he does anything which he is prohibited from doing by—
- (a) a sexual offences prevention order;
  - (b) an interim sexual offences prevention order;
  - (c) an order under section 5A of the Sex Offenders Act 1997 (c. 51) (restraining orders);
  - (d) an order under section 2, 2A or 20 of the Crime and Disorder Act 1998 (c. 37) (sex offender orders and interim orders made in England and Wales and in Scotland);
  - (e) an order under Article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/2839 (N.I. 20)) (sex offender orders and interim orders made in Northern Ireland).

### **Maximum Sentence:**

*Sexual Offences Act 2003, s.113(2)*

*Indictment: 5 years imprisonment*

*Summary: 6 months imprisonment and/or a fine not exceeding the statutory maximum (£5,000)*

### **Assessment of Offence**

*(Starting points and ranges based on 1<sup>st</sup> time offender convicted following contest)*

<u><b>Nature of Offence</b></u>	<u><b>Starting Point</b></u>	<u><b>Sentencing Range</b></u>
Breach of a technical nature	Fine	Fine to Community Order
Breach of a fundamental nature	2 months Custody	Community Order to 6 months Custody

<u><b>Examples of Possible Aggravating Factors of Offence</b></u>	<u><b>Examples of Possible Mitigating Factor of Offence</b></u>
1. Proven history of violence or threats by the offender 2. Offender has history of disobedience to court orders 3. Breach committed immediately or shortly after order made	N/A

### **Relevant Cases:**

*NI Cases:*

1. DPP v King [2007] NIMag 1

*English Cases*

N/A

### **Notes:**

1. Where a person is convicted of an offence under this section, it is not open to the court by or before which he is convicted to make, in respect of the offence, an order for conditional discharge - s.113(3)