

*These notes relate to the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22) which received Royal Assent on 28 April 2016*

# **ABUSIVE BEHAVIOUR AND SEXUAL HARM (SCOTLAND) ACT 2016**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON PARTS**

#### **Part 2 – Sexual Harm**

#### ***Chapter 3 – Sexual harm prevention orders***

#### **Circumstances where sexual harm prevention order may be made**

#### ***Section 13 – Qualifying offender: conviction etc. in Scotland***

82. **Section 13** provides part of the definition of “qualifying offender” for the purposes of section 12.
83. Subsection (1) provides that a person is a qualifying offender if any of the court disposals listed in the subsection have been made in Scotland in relation to that person.
84. Subsection (2) provides that for the purposes of section 12 a person is also a “qualifying offender” if any of the court disposals listed were made before 1 May 2004 (i.e. before the 2003 Act came into force) and the sheriff is satisfied that there was a significant sexual element to the person’s behaviour in committing the offence or having done the act or made the omission constituting the offence.