



Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

PART 2

SEXUAL HARM

CHAPTER 5

EQUIVALENT ORDERS ELSEWHERE IN UNITED KINGDOM

37 Breach of orders equivalent to orders in Chapters 3 and 4: offence

(1) A person commits an offence if, without reasonable excuse, the person does something which the person is prohibited from doing by an equivalent order from elsewhere in the United Kingdom.

[^{F1}(1A) A person commits an offence if, without reasonable excuse, the person fails to do something which the person is required to do by an equivalent order from elsewhere in the United Kingdom.]

(2) A person who commits an offence under subsection (1) [^{F2}or (1A)] is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).

(3) Where a person is convicted of an offence under subsection (1) [^{F3}or (1A)], it is not open to the court by or before which the person is convicted—

- (a) to make a community payback order in respect of the offence, or
- (b) to dispose of the matter by—
 - (i) dismissing the person with an admonition, or
 - (ii) discharging the person absolutely.

Changes to legislation: There are currently no known outstanding effects for the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, Section 37. (See end of Document for details)

- (4) For the purposes of this section, prohibitions [^{F4}or requirements] imposed by an equivalent order from elsewhere in the United Kingdom apply, unless expressly confined to particular localities, to every part of the United Kingdom.
- (5) In this section, “equivalent order from elsewhere in the United Kingdom” means—
- (a) a sexual harm prevention order made under section 103A of the 2003 Act [^{F5}or Chapter 2 of Part 11 of the Sentencing Code],
 - (b) an interim sexual harm prevention order made under section 103F of the 2003 Act,
 - (c) a sexual risk order made under section 122A of the 2003 Act,
 - (d) an interim sexual risk order made under section 122E of the 2003 Act,
 - (e) a sexual offences prevention order made under section 104 of the 2003 Act (but excluding such an order made in Scotland),
 - (f) an interim sexual offences prevention order made under section 109 of the 2003 Act (but excluding such an order made in Scotland),
 - (g) a foreign travel order made under section 114 of the 2003 Act (but excluding such an order made in Scotland),
 - (h) a risk of sexual harm order made under section 123 of the 2003 Act,
 - (i) an interim risk of sexual harm order made under section 126 of the 2003 Act,
 - (j) a restraining order made under section 5A of the Sex Offenders Act 1997,
 - (k) a sex offender order made under section 2 of the Crime and Disorder Act 1998.

Textual Amendments

- F1** S. 37(1A) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 177(7)(a)**, 208(1); S.I. 2023/387, reg. 3(b)
- F2** Words in s. 37(2) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 177(7)(b)**, 208(1); S.I. 2023/387, reg. 3(b)
- F3** Words in s. 37(3) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 177(7)(b)**, 208(1); S.I. 2023/387, reg. 3(b)
- F4** Words in s. 37(4) inserted (31.3.2023) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 177(7)(c)**, 208(1); S.I. 2023/387, reg. 3(b)
- F5** Words in s. 37(5)(a) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 311** (with Sch. 27); S.I. 2020/1236, reg. 2

Commencement Information

- I1** S. 37 in force at 31.3.2023 by [S.S.I. 2023/51](#), **reg. 2** (with reg. 3)

Changes to legislation:

There are currently no known outstanding effects for the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, Section 37.