

SCHEDULES

SCHEDULE 11

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS RELATING TO PART 9

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9)

- 79 (1) Section 8 of that Act (effect of conviction etc under section 7 of that Act or section 128 of the Sexual Offences Act 2003) is amended as follows.
- (2) In the heading, after “**or section**” there is inserted “**122H or**”.
- (3) In subsection (1)(a), for the words after “an offence under section 7 above” there is substituted “, section 122H of the 2003 Act (breach of sexual risk order or interim sexual risk order in England and Wales) or section 128 of that Act (breach of risk of sexual harm order or interim risk of sexual harm order in Northern Ireland)”.
- (4) In subsection (1)(b), after “an offence under section” there is inserted “122H or”.
- (5) In the definition of “relevant order” in subsection (5)—
- (a) in paragraph (a), for “section 123” there is substituted “an order under section 122A or section 123”;
 - (b) in paragraph (b), after “a breach of” there is inserted “a sexual risk order under section 122A of the 2003 Act or”;
 - (c) for paragraphs (c) and (d) there is substituted—
 - “(c) where the conviction or finding referred to in subsection (1) (a), (c) or (d) above is in respect of a breach of an interim risk of sexual harm order under section 5 above or an interim order under section 122E or 126 of the 2003 Act—
 - (i) any risk of sexual harm order or sexual risk order made upon the application to which the interim order relates; or
 - (ii) if no risk of sexual harm order or sexual risk order has been made, the interim order;
 - (d) where the caution referred to in subsection (1)(b) above is in respect of a breach of an interim order under section 122E or 126 of the 2003 Act—
 - (i) any order under section 122A or 123 of that Act made upon the application to which the interim order relates; or
 - (ii) if no order under section 122A or 123 of that Act has been made, the interim order.”