

*These notes relate to the Protection of Children and Prevention of Sexual Offences
(Scotland) Act 2005 (asp 9) which received Royal Assent on 12 July 2005*

PROTECTION OF CHILDREN AND PREVENTION OF SEXUAL OFFENCES (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT – COMMENTARY ON SECTIONS

Section 5 – Interim RSHOs

21. This section allows the police to apply for an interim RSHO where an application has been made for a full order in respect of an individual, and intimated to that individual, but has not yet been determined. The sheriff may grant an interim RSHO if satisfied *prima facie* that, firstly, the person carried out sexually explicit communication or conduct referred to in section 2(5) with or toward a child on at least two occasions and, secondly, that it is just to make the order. The interim order would be for a fixed period and would cease to have effect at the end of that period or, if earlier, when a decision is made on the full order.