

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

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 2 – Sexual Harm

Chapter 5 – Equivalent orders elsewhere in United Kingdom

Section 38 – Breach of certain equivalent orders: application of notification requirements

169. [Section 38](#) sets out the circumstances in which breach of an SRO or interim SRO made in England and Wales or a RSHO or interim RSHO in Northern Ireland will render the person subject to the notification requirements of Part 2 of the 2003 Act (sex offender notification requirements). The circumstances are similar to those described in [section 35](#), that is, where there is a conviction or an alternative court disposal relating to the person's mental or physical fitness to stand trial or ability to understand the nature or wrongfulness of their conduct. The conviction or other disposals may relate to the [section 37](#) offence in Scotland (subsection (1)) or the equivalent offences in England and Wales or Northern Ireland (subsection (2)). The notification requirements will remain in place for the duration of the breached order. If the conviction is for breach of an interim order, the restrictions will remain in place for the duration of the interim order or, if a full order is subsequently made, for the duration of the full order.