



Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

PART 2

SEXUAL HARM

CHAPTER 3

SEXUAL HARM PREVENTION ORDERS

Appeals

22 Appeals

- (1) An order made under section 11, and any order granting or refusing a variation, renewal or discharge of such an order may be appealed against as if the order were a sentence.
- (2) On such an appeal, the court hearing the appeal may suspend the order appealed against pending the disposal of the appeal.
- (3) An order under section 11 made on appeal is to be regarded for the purposes of section 20(3) as having been made by the court which dealt with the question of whether an order under that section should be made at first instance.
- (4) A decision of a sheriff mentioned in subsection (5) may be appealed against as if it were a decision constituting final judgment in civil proceedings within the meaning of the 2014 Act.
- (5) A decision to—
 - (a) make, or refuse to make, an order under section 12 or 21,
 - (b) vary, renew or discharge, or refuse to vary, renew or discharge, an order made under either of those sections.

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

- (6) An order under section 12 made on appeal is to be regarded for the purposes of section 20(3) as having been made by the sheriff who determined the application for the order at first instance.

Commencement Information

II S. 22 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with reg. 3)

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