



Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

PART 2

SEXUAL HARM

CHAPTER 3

SEXUAL HARM PREVENTION ORDERS

Interim orders

21 Interim orders

- (1) On the application of the chief constable, an appropriate sheriff may make an interim sexual harm prevention order against a person in respect of whom the chief constable is applying for an order under section 12.
- (2) An interim sexual harm prevention order may be made if the sheriff considers it just to do so.
- (3) An interim sexual harm prevention order is an order prohibiting the person against whom it is made from doing, or requiring that person to do, a thing or things described in the order.
- (4) A prohibition or requirement contained in an interim sexual harm prevention order applies throughout the United Kingdom (unless expressly confined to particular localities).
- (5) A prohibition or requirement contained in an interim sexual harm prevention order has effect for a fixed period, specified in the order.
- (6) Different periods may be provided for different prohibitions or requirements.
- (7) An application for an interim sexual harm prevention order—

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

- (a) may be made in the application for an order under section 12 to which it relates, or
 - (b) if the application for that order has been made, may be made in such way as rules of court may provide.
- (8) Section 18 applies to a person against whom an interim sexual harm prevention order is made as it applies to a person against whom a sexual harm prevention order is made.
- (9) An interim sexual harm prevention order ceases to have effect, if it has not already done so, when either of the following events occurs—
- (a) the related application for an order under section 12 is determined, or
 - (b) all of the prohibitions or requirements contained in it have ceased to have effect.
- (10) On the application of a person mentioned in subsection (11), an appropriate sheriff may vary, renew or discharge an interim sexual harm prevention order.
- (11) Those persons are—
- (a) the person against whom the interim sexual harm prevention order has effect,
 - (b) the chief constable.
- (12) In this section, an “appropriate sheriff” means—
- (a) the sheriff to whom the related application for an order under section 12 is made, or
 - (b) another sheriff of the same sheriffdom.

Commencement Information

II S. 21 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with reg. 3)

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