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

I1 S. 21 in force at 31.3.2023 by S.S.I. 2023/51, **reg. 2** (with reg. 3)

Changes to legislation:
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