



# Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

## PART 2

### SEXUAL HARM

## CHAPTER 4

### SEXUAL RISK ORDERS

#### *Making of order*

#### 27 Making of order

- (1) On the application of the chief constable, an appropriate sheriff may make a sexual risk order (see section 28(1)) against a person (“the respondent”).
- (2) An appropriate sheriff may make a sexual risk order only if satisfied that the respondent has (whether before or after this Chapter comes into force) done an act of a sexual nature as a result of which it is necessary to make such an order for the purpose of—
  - (a) protecting the public, or any particular members of the public, from harm from the respondent, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the respondent outside the United Kingdom.
- (3) In this section, an “appropriate sheriff” means—
  - (a) a sheriff in whose sheriffdom the respondent resides,
  - (b) a sheriff in whose sheriffdom the respondent is believed by the chief constable to be,
  - (c) a sheriff to whose sheriffdom the respondent is believed by the chief constable to be intending to come, or

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

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- (d) a sheriff whose sheriffdom includes any place where it is alleged that the respondent did an act of a sexual nature giving rise to reasonable cause to believe that it is necessary for a sexual risk order to be made.
- (4) Before determining an application under this section, a sheriff must—
- (a) if subsection (5) applies, hold a hearing at which the respondent and the chief constable may appear or be represented,
  - (b) if subsection (5) does not apply, either—
    - (i) hold a hearing at which the respondent and the chief constable may appear or be represented, or
    - (ii) give an opportunity to make written representations to the respondent and the chief constable.
- (5) This subsection applies if, not later than rules of court may provide, the respondent gives notice to the sheriff of a wish for a hearing to be held.

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**Commencement Information**

**II** S. 27 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with reg. 3)

**Changes to legislation:**

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