



Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

PART 2

SEXUAL HARM

CHAPTER 3

SEXUAL HARM PREVENTION ORDERS

Circumstances where sexual harm prevention order may be made

13 Qualifying offender: conviction etc. in Scotland

- (1) This section applies to a person if the person has, whether before or after this Chapter comes into force—
- (a) been convicted of an offence listed in paragraphs 36 to 60 of schedule 3 of the 2003 Act, or
 - (b) been the subject, in respect of such an offence, of any of the following—
 - (i) acquittal by reason of the special defence set out in section 51A of the 1995 Act,
 - (ii) acquittal by reason of insanity,
 - (iii) a finding by a court of being unfit for trial under section 53F of the 1995 Act and the court determining that the person has done the act or made the omission constituting the offence,
 - (iv) a finding by a court that the person is under a disability and did the act or made the omission charged.
- (2) This section also applies to a person if—
- (a) before 1 May 2004, the person was in Scotland—
 - (i) convicted of an offence other than an offence listed in paragraphs 36 to 59 of schedule 3 of the 2003 Act,
 - (ii) found not guilty of such an offence by reason of insanity, or

Changes to legislation: There are currently no known outstanding effects for the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, Section 13. (See end of Document for details)

- (iii) found by a court, in respect of such an offence, to be under a disability and to have done the act or made the omission charged, and
- (b) the sheriff who is considering the application for the sexual harm prevention order is satisfied that there was a significant sexual aspect to the person's behaviour in committing the offence.

Commencement Information

II [S. 13](#) in force at 31.3.2023 by [S.S.I. 2023/51](#), [reg. 2](#) (with [reg. 3](#))

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