



# 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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*Status: This is the original version (as it was originally enacted).*

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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.