



Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

PART 2

SEXUAL HARM

CHAPTER 3

SEXUAL HARM PREVENTION ORDERS

Interaction with notification requirements

18 Application of notification requirements where order made

- (1) This section applies to a person against whom a sexual harm prevention order is made.
- (2) Where the person—
 - (a) was a relevant offender immediately before this section applied to the person, and
 - (b) would (apart from this subsection and sections 88F and 88G of the 2003 Act) cease to be subject to the notification requirements of Part 2 of the 2003 Act while the order has effect,the person remains subject to the notification requirements while the order has effect.
- (3) Where the person was not a relevant offender immediately before this section applied to the person—
 - (a) the person, by virtue of this section, becomes subject to the notification requirements of Part 2 of the 2003 Act from the time this section first applies to the person and remains so subject until the order ceases to have effect, and
 - (b) that Part of that Act applies to the person subject to the modification set out in subsection (4).
- (4) The “relevant date” is the date of service of the order.

Status: This is the original version (as it was originally enacted).

- (5) In this section, “relevant offender” has the meaning given by section 80(2) of the 2003 Act.

19 Cessation of order: relevant sexual offenders

- (1) This section applies where—
- (a) a sexual harm prevention order is in effect in relation to a relevant sexual offender, and
 - (b) by virtue of section 88F or 88G of the 2003 Act, the relevant sexual offender ceases to be subject to the notification requirements of Part 2 of the 2003 Act.
- (2) The sexual harm prevention order ceases to have effect.
- (3) For the purposes of this section, a person is a “relevant sexual offender” if the person falls within section 88A(1)(a) or (b) of the 2003 Act.