



# Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

## PART 2

### SEXUAL HARM

## CHAPTER 4

### SEXUAL RISK ORDERS

#### *Variation, renewal and discharge*

#### **30 Variation, renewal and discharge**

- (1) On the application of a person mentioned in subsection (2), an appropriate sheriff may make an order varying, renewing or discharging a sexual risk order.
- (2) The persons are—
  - (a) the person against whom the order has effect (“the subject”),
  - (b) the chief constable.
- (3) In subsection (1), an “appropriate sheriff” means—
  - (a) the sheriff who made the sexual risk order,
  - (b) another sheriff of the same sheriffdom,
  - (c) a sheriff in whose sheriffdom the subject resides, or
  - (d) where the application is made by the chief constable—
    - (i) a sheriff in whose sheriffdom the subject is believed by the chief constable to be, or
    - (ii) a sheriff to whose sheriffdom the subject is believed by the chief constable to be intending to come.
- (4) A sexual risk order may be renewed, or varied so as to impose an additional prohibition or requirement on the subject, only if it is necessary to do so for the purpose of—

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*Status: This is the original version (as it was originally enacted).*

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- (a) protecting the public, or any particular members of the public, from harm from the subject, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the subject outside the United Kingdom,
- and any renewed or varied order may contain only such prohibitions and requirements as are necessary for one or other of these purposes.
- (5) A sexual risk order may be discharged, or varied so as to remove a prohibition or requirement, only if the order or, as the case may be, prohibition or requirement, is no longer necessary for the purpose of—
- (a) protecting the public, or any particular members of the public, from harm from the subject, or
  - (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from harm from the subject outside the United Kingdom.
- (6) Before determining an application under this section, a sheriff must—
- (a) if subsection (7) applies, hold a hearing at which the subject and the chief constable may appear or be represented,
  - (b) if subsection (7) does not apply, either—
    - (i) hold a hearing at which the subject and the chief constable may appear or be represented, or
    - (ii) give an opportunity to make written representations to the subject and the chief constable.
- (7) This subsection applies if, not later than rules of court may provide, the subject or the chief constable gives notice to the sheriff of a wish for a hearing to be held.