



# Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

## PART 2

### SEXUAL HARM

## CHAPTER 4

### SEXUAL RISK ORDERS

#### *Interim orders*

#### **31 Interim orders**

- (1) On the application of the chief constable, an appropriate sheriff may make an interim sexual risk order against a person in respect of whom the chief constable is applying for an order under section 27.
- (2) An interim sexual risk order may be made if the sheriff—
  - (a) considers that there is a prima facie case that the person has done an (or, as the case may be, the) act of a sexual nature which is being relied on for the purposes of subsection (2) of section 27 in relation to the application for an order under that section, and
  - (b) considers it just to make an interim sexual risk order.
- (3) An interim sexual risk order is an order prohibiting the person against whom it is made from doing, or requiring that person to do, a thing or things described in the order.
- (4) A prohibition or requirement contained in an interim sexual risk order applies throughout the United Kingdom (unless expressly confined to particular localities).
- (5) A prohibition or requirement contained in an interim sexual risk order has effect for a fixed period, specified in the order.
- (6) Different periods may be provided for different prohibitions or requirements.

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*Status: This is the original version (as it was originally enacted).*

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- (7) An application for an interim sexual risk order—
- (a) may be made in the application for an order under section 27 to which it relates, or
  - (b) if the application for that order has been made, may be made in such way as rules of court may provide.
- (8) An interim sexual risk order ceases to have effect, if it has not already done so, when either of the following events occurs—
- (a) the related application for an order under section 27 is determined, or
  - (b) all of the prohibitions or requirements contained in it have ceased to have effect.
- (9) On the application of a person mentioned in subsection (10), an appropriate sheriff may vary, renew or discharge an interim sexual risk order.
- (10) Those persons are—
- (a) the person against whom the interim sexual risk order has effect,
  - (b) the chief constable.
- (11) In this section, an “appropriate sheriff” means—
- (a) the sheriff to whom the related application for an order under section 27 is made, or
  - (b) another sheriff of the same sheriffdom.