



# Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

## PART 2

### SEXUAL HARM

## CHAPTER 4

### SEXUAL RISK ORDERS

#### *Enforcement*

#### **34 Offence of breaching order**

- (1) A person commits an offence if, without reasonable excuse, the person—
  - (a) does something which the person is prohibited from doing, or
  - (b) fails to do something which the person is required to do,by a sexual risk order or an interim sexual risk order.
- (2) A person who commits an offence under subsection (1) is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine (or both).
- (3) Where a person is convicted of an offence under subsection (1), it is not open to the court by or before which the person is convicted—
  - (a) to make a community payback order in respect of the offence, or
  - (b) to dispose of the matter by—
    - (i) dismissing the person with an admonition, or
    - (ii) discharging the person absolutely.

---

**Changes to legislation:** There are currently no known outstanding effects for the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, Section 34. (See end of Document for details)

---

- (4) A person may be prosecuted, tried and punished for an offence under subsection (1) of failing to comply with a prohibition on foreign travel—
- (a) in any sheriff court district in which the person is apprehended or in custody, or
  - (b) in such sheriff court district as the Lord Advocate may determine,
- as if the offence had been committed in that district (and the offence is, for all purposes incidental to or consequential on the trial or punishment, to be deemed to have been committed in that district).

#### Commencement Information

**II** S. 34 in force at 31.3.2023 by [S.S.I. 2023/51](#), [reg. 2](#) (with [reg. 3](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, Section 34.