



# Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

## PART 5

### CRIMINAL JUSTICE

#### *Sexual offences prevention orders*

#### **100 Sexual offences prevention orders**

- (1) In section 141 of the Criminal Justice and Immigration Act 2008 (c.4) (sexual offences prevention orders: relevant sexual offences), subsection (2) is repealed.
- (2) In the Sexual Offences Act 2003 (c.42)—
  - (a) in section 106 (applications and grounds for sexual offences prevention orders: supplemental), in subsection (13), the words from “in their” to the end are repealed,
  - (b) in section 109 (interim SOPOs), in subsection (5), for “107(3)” substitute “107(2)”,
  - (c) after section 111 insert—

#### **“111A SOPO and interim SOPO requirements: Scotland**

- (1) This section applies in relation to a sexual offences prevention order or an interim sexual offences prevention order made, or to be made, by a court in Scotland.
- (2) Such an order, in addition to or instead of prohibiting the defendant from doing anything described in the order, may require the defendant to do anything described in the order.
- (3) Accordingly, in relation to such an order—
  - (a) the references in sections 107(2) and 108(5) to a prohibition include a reference to a requirement, and

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**Changes to legislation:** There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 100. (See end of Document for details)

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- (b) the reference in section 113(1) to a person's doing anything which he is prohibited from doing includes a reference to his failing to do anything which he is required to do.”, and
- (d) in section 112 (provisions relating to sexual offences prevention orders in Scotland), in subsection (1), after paragraph (d) insert—
  - “(da) a court may make an order under section 104(1)—
    - (i) at its own instance, or
    - (ii) on the motion of the prosecutor;”.

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**Commencement Information**

**II** [S. 100](#) in force at 1.11.2011 by [S.S.I. 2011/354](#), art. 2, [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 100.