

*Status: Point in time view as at 31/03/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, SCHEDULE 2. (See end of Document for details)*

## SCHEDULE 2

(introduced by section 43)

### MINOR AND CONSEQUENTIAL MODIFICATIONS

#### *Criminal Procedure (Scotland) Act 1995*

- 1 (1) The 1995 Act is amended as follows.
- (2) In section 19AA(1)—
- (a) in paragraph (b), for “section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) (a risk of sexual harm order)” substitute “section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ”,
  - (b) in paragraph (c), for “section 2 of that Act of 2005” substitute “section 27 of that Act of 2016 ”.
- (3) In section 19AB—
- (a) in subsection (4), for “risk of sexual harm orders” substitute “sexual risk orders ”,
  - (b) in subsection (5)—
    - (i) for “risk of sexual harm order” substitute “sexual risk order ”,
    - (ii) for the words from “under” to the end substitute “of a court considering an appeal against the making of a sexual risk order suspending the effect of the order pending the determination of the appeal ”,
  - (c) in subsection (7)—
    - (i) omit the definitions of “risk of sexual harm order” and “the 2005 Act”,
    - (ii) insert, immediately before the definition of “the 2003 Act”, the following definition—

““sexual risk order” means an order under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, and also includes an order under section 122A or 123 of the 2003 Act;”
  - (d) the title becomes “**Section 19AA: supplementary provision in sexual risk order cases**”.

#### Commencement Information

**II** Sch. 2 para. 1 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with regs. 3, 4(1))

#### *Police Act 1997*

- 2 (1) The Police Act 1997 is amended as follows.
- (2) In section 113CA(2)—
- (a) after paragraph (fb) insert—
    - “(fc) if a sexual harm prevention order, made under section 11(2) or 12(1) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, is in effect in respect of the applicant—

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- (i) the prohibitions and requirements contained in that order;
  - (ii) the date of that order;
  - (iii) the period for which each of the prohibitions and requirements contained in that order has effect by virtue of section 16(3) or, as the case may be, 17(1) of that Act;
  - (iv) details as to whether that order has been varied or renewed under section 20(1) of that Act;
  - (fd) if an interim sexual harm prevention order, made under section 21 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, is in effect in respect of the applicant—
    - (i) the prohibitions and requirements contained in that order;
    - (ii) the date of that order;
    - (iii) the period for which each of the prohibitions and requirements contained in that order has effect by virtue of section 21(5) of that Act;
    - (iv) details as to whether that order has been varied or renewed under section 21(10) of that Act;”,
  - (b) after paragraph (ib) insert—
    - “(ic) if a sexual risk order, made under section 27(1) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, is in effect in respect of the applicant—
      - (i) the prohibitions and requirements contained in that order;
      - (ii) the date of that order;
      - (iii) the period for which each of the prohibitions and requirements contained in that order has effect by virtue of section 28(3) or, as the case may be, 29(1) of that Act;
      - (iv) details as to whether that order has been varied or renewed under section 30(1) of that Act;
    - (id) if an interim sexual risk order, made under section 31(1) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, is in effect in respect of the applicant—
      - (i) the prohibitions and requirements contained in that order;
      - (ii) the date of that order;
      - (iii) the period for which each of the prohibitions and requirements contained in that order has effect by virtue of section 31(5) of that Act;
      - (iv) details as to whether that order has been varied or renewed under section 31(9) of that Act;”,
  - (c) paragraphs (l) and (m) are repealed.
- (3) In section 113CB(2)—
- (a) after paragraph (fb) insert—

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- “(fc) if a sexual harm prevention order, made under section 11(2) or 12(1) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, is in effect in respect of the applicant—
  - (i) the prohibitions and requirements contained in that order;
  - (ii) the date of that order;
  - (iii) the period for which each of the prohibitions and requirements contained in that order has effect by virtue of section 16(3) or, as the case may be, 17(1) of that Act;
  - (iv) details as to whether that order has been varied or renewed under section 20(1) of that Act;
- (fd) if an interim sexual harm prevention order, made under section 21 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, is in effect in respect of the applicant—
  - (i) the prohibitions and requirements contained in that order;
  - (ii) the date of that order;
  - (iii) the period for which each of the prohibitions and requirements contained in that order has effect by virtue of section 21(5) of that Act;
  - (iv) details as to whether that order has been varied or renewed under section 21(10) of that Act;”
- (b) after paragraph (ib) insert—
  - “(ic) if a sexual risk order, made under section 27(1) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, is in effect in respect of the applicant—
    - (i) the prohibitions and requirements contained in that order;
    - (ii) the date of that order;
    - (iii) the period for which each of the prohibitions and requirements contained in that order has effect by virtue of section 28(3) or, as the case may be, 29(1) of that Act;
    - (iv) details as to whether that order has been varied or renewed under section 30(1) of that Act;
  - (id) if an interim sexual risk order, made under section 31(1) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, is in effect in respect of the applicant—
    - (i) the prohibitions and requirements contained in that order;
    - (ii) the date of that order;
    - (iii) the period for which each of the prohibitions and requirements contained in that order has effect by virtue of section 31(5) of that Act;
    - (iv) details as to whether that order has been varied or renewed under section 31(9) of that Act;”
- (c) paragraphs (l) and (m) are repealed.

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**Commencement Information**

**I2** Sch. 2 para. 2 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with regs. 3, 4(2))

*Sexual Offences Act 2003*

- 3 (1) The 2003 Act is amended as follows.
- (2) In section 88—
- (a) in subsection (1), for “Subsections (2) to (4)” substitute “ Subsections (2) and (2A) ”,
  - (b) subsections (4) and (5) are repealed.
- (3) In section 89, after subsection (1) insert—
- “(1A) In the Table—
- (a) the reference to a sexual harm prevention order includes an order made under section 11 or 12 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016,
  - (b) the reference to an interim sexual harm prevention order includes an order made under section 21 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.”.

**Commencement Information**

**I3** Sch. 2 para. 3 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with reg. 3)

*Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005*

- 4 Subsections (1) to (5) of section 17 of the 2005 Act are repealed.

**Commencement Information**

**I4** Sch. 2 para. 4 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with regs. 3, 4(3))

*Protection of Vulnerable Groups (Scotland) Act 2007*

- 5 Paragraph 1 of schedule 1 of the Protection of Vulnerable Groups (Scotland) Act 2007 is amended as follows—
- (a) paragraph (r) is repealed,
  - (b) after paragraph (zr), insert—
    - “(zra) an offence under section 34 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016,
    - (zrb) an offence under section 37 of that Act in respect of a breach of—
      - (i) a sexual risk order made under section 122A of the Sexual Offences Act 2003,
      - (ii) an interim sexual risk order made under section 122E of the Sexual Offences Act 2003,

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- (iii) a risk of sexual harm order made under section 123 of the Sexual Offences Act 2003, or
- (iv) an interim risk of sexual harm order made under section 126 of the Sexual Offences Act 2003.”

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with regs. 3, 4(4))

*Sexual Offences (Scotland) Act 2009*

- 6 In section 54(8) of the 2009 Act, in the definition of “UK national”, for “relevant conduct” substitute “ act mentioned in subsection (1) ”.

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 24.4.2017 by S.S.I. 2017/93, reg. 2

*Criminal Justice and Licensing (Scotland) Act 2010*

- 7 The following provisions of the Criminal Justice and Licensing (Scotland) Act 2010 are repealed—
- (a) section 103,
  - (b) section 104,
  - (c) paragraph 75 of schedule 7.

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with regs. 3, 4(5))

*Police and Fire Reform (Scotland) Act 2012*

- 8 Paragraph 26 of schedule 7 of the Police and Fire Reform (Scotland) Act 2012 is repealed.

**Commencement Information**

**I8** Sch. 2 para. 8 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with regs. 3, 4(6))

*Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011 (S.S.I. 2011/45)*

- 9 Article 4(1) of the Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011 (S.S.I. 2011/45) is repealed.

**Commencement Information**

**I9** Sch. 2 para. 9 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with regs. 3, 4(7))

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*Anti-social Behaviour, Crime and Policing Act 2014*

- 10 Paragraphs 78 and 79 of schedule 11 of the Anti-social Behaviour, Crime and Policing Act 2014 are repealed.

**Commencement Information**

**I10** Sch. 2 para. 10 in force at 31.3.2023 by S.S.I. 2023/51, reg. 2 (with reg. 3)

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