



Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

PART 2

SEXUAL HARM

CHAPTER 4

SEXUAL RISK ORDERS

Enforcement

35 Application of notification requirements on breach of order

- (1) This section applies to a person who—
 - (a) is convicted of an offence under section 34,
 - (b) is acquitted of such an offence by reason of the special defence set out in section 51A of the 1995 Act, or
 - (c) is found, in respect of such an offence, to be unfit for trial under section 53F of the 1995 Act and the court determines that the person has done the act or made the omission constituting the offence.
- (2) Where the person—
 - (a) was a relevant offender immediately before this section applied to the person, and
 - (b) would (apart from this subsection) cease to be subject to the notification requirements of Part 2 of the 2003 Act while the relevant order has effect,the person remains subject to those notification requirements while the relevant order has effect.
- (3) Where the person was not a relevant offender immediately before this section applied to the person—

Status: This is the original version (as it was originally enacted).

- (a) the person, by virtue of this section, becomes subject to the notification requirements of Part 2 of the 2003 Act from the time this section first applies to the person and remains so subject until the relevant order ceases to have effect, and
 - (b) that Part of that Act applies to the person subject to the modification set out in subsection (4).
- (4) The “relevant date” is the date on which this section first applies to the person.
- (5) In this section—
- “relevant offender” has the meaning given by section 80(2) of the 2003 Act,
 - “relevant order” means—
 - (a) where the conviction, finding or acquittal by virtue of which this section applies to the person is in respect of a breach of a sexual risk order, that order,
 - (b) where the conviction, finding or acquittal by virtue of which this section applies to the person is in respect of an interim sexual risk order—
 - (i) any sexual risk order made on the hearing of the application to which the interim order relates, or
 - (ii) if no such order is made, the interim order.