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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 45**

**The Sexual Offences Act 2003  
(Remedial) (Scotland) Order 2011**

**Consequential amendments to the 2003 Act** **S**

- 4.—(1) In section 107 (SOPOs: effect)—
- (a) in subsection (3)(b) after “apart from this subsection” insert “and sections 88F and 88G”; and
  - (b) after subsection (3) insert—
    - “(3A) Where—
      - (a) a sexual offences prevention order is in effect in relation to a relevant sex offender (within the meaning of section 88A); and
      - (b) by virtue of section 88F or 88G the relevant sex offender ceases to be subject to the notification requirements of this Part,the sexual offences prevention order ceases to have effect.
    - (3B) Subsection (3A) applies to the orders mentioned in section 108(8)(b) and (c) as it applies to sexual offences prevention orders.”
- (2) In section 133 (Part 2: general interpretation), in subsection (1)—
- (a) in the appropriate place alphabetically insert the following:—
    - ““applicable date” has the meaning given by section 88D(5);
    - ““date of discharge” has the meaning given by section 88B(1);
    - ““further date of discharge” has the meaning given by section 88B(5);
    - ““notification continuation order” has the meaning given by section 88C(2); and
  - (b) in the definition of “relevant date”, after “sections” insert “88B,”.
- (3) In section 138 (orders and regulations), in subsection (2), after “86” insert “, 88H”.
- (4) Until the coming into force of section 102(6) of the Criminal Justice and Licensing (Scotland) Act 2010, section 138 has effect as if, after subsection (3), there were inserted—
- “(4) An order under section 88H may—
    - (a) make different provision for different purposes,
    - (b) include supplementary, incidental, consequential, transitional, transitory or saving provisions.”.

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**Commencement Information**

**II** Art. 4 in force at 28.1.2011, see [art. 1\(1\)](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Sexual Offences Act 2003 (Remedial) (Scotland) Order 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- art. 4(1) repealed by [2016 asp 22 Sch. 2 para. 9](#)