

SCHEDULE

Paragraph 2(3)

Rule 73.2

Form 73.2

**Form of sexual harm prevention order under section 11 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016**

SEXUAL HARM PREVENTION ORDER

COURT:

DATE:

NAME, ADDRESS AND DATE OF BIRTH OF PERSON SUBJECT TO THE ORDER:

THE COURT, dealing with a person

convicted of an offence listed in schedule 3 of the Sexual Offences Act 2003,

[*or* acquitted of an offence listed in schedule 3 of the Sexual Offences Act 2003, by reason of the special defence set out in section 51A of the Criminal Procedure (Scotland) Act 1995,]

[*or* found by the court, in respect of an offence listed in schedule 3 of the Sexual Offences Act 2003, to be unfit for trial under section 53F of the Criminal Procedure (Scotland) Act 1995 and the court has determined that the person has done the act or made the omission constituting the offence,]

namely the offence(s) of (*specify*):

AND having held a hearing;

[*or* having given an opportunity to make written representations to the person against whom the order is to be made and to the prosecutor;]

AND being satisfied that it is necessary to do so, for the purpose of protecting the public, or any particular members of the public, from sexual harm from the person;

[*or* protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the person outside the United Kingdom;]

ORDERS that the person, (*specify name of person*), shall from the date of this order be prohibited from (*or* required to do) (*specify in numbered paragraphs the prohibitions or requirements imposed and the period which applies to each prohibition or requirement*).

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[AND ORDERS that the person, (*specify name of person*), comply with the electronic monitoring requirement in respect of (*state the aspects of the disposal specified by the court*) under the Management of Offenders (Scotland) Act 2019 as set out in the attached Form 71.1.]

*Signed*

Clerk of Court

Rule 73.3

Form 73.3

**Form of application for variation, renewal or discharge of a sexual harm prevention order**

UNTO THE RIGHT HONOURABLE THE LORD JUSTICE GENERAL, THE LORD JUSTICE CLERK, and LORDS COMMISSIONERS OF JUSTICIARY

[or UNTO THE HONOURABLE THE SHERIFF OF (name of sheriffdom)]

AT (place)

APPLICATION

[A.B.] (address *or* prisoner at the prison of (place))

[*or* THE CHIEF CONSTABLE, POLICE SERVICE OF SCOTLAND]

[*or* HER MAJESTY'S ADVOCATE]

[*or* THE PROCURATOR FISCAL]

APPLICANT

HUMBLY SHEWETH:

1. That there is annexed to this petition a copy of the sexual harm prevention order which was made by the sheriff at (place) [*or* by the High Court sitting at (place)] on (date).

[2. That the sexual harm prevention order has been varied or renewed as follows:– (*specify details of any previous variation or renewal*).]

2. That the applicant seeks to vary [*or* renew [*or* discharge]] the sexual harm prevention order for the following reasons:– (*specify reasons*).

MAY IT THEREFORE PLEASE YOUR LORDSHIP[S] [*or* THE COURT]:

(1) to appoint intimation of this petition to be made to [A.B.] [*or* Her Majesty's Advocate] [*or* the Procurator Fiscal] [*or* the Chief Constable, the Police Service of Scotland];

(2) to fix a hearing [*or* to give an opportunity, within such time period as is specified by the court, to make and intimate to other parties written representations to [A.B.] [*or* Her Majesty's Advocate] [*or* the Procurator Fiscal] [*or* the Chief Constable, the Police Service of Scotland]]; and

(3) thereafter, on being duly satisfied, to make an order varying [*or* renewing] [*or* discharging] the sexual harm prevention order [by] (*specify the terms of the variation or renewal sought*) and to do further and otherwise as to your Lordship[s] [*or* to the court] seems proper.

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ACCORDING TO JUSTICE, etc

(Signed)

Solicitor for [A.B.]

[or Solicitor for the Chief Constable, Police Service of Scotland]

[or Prosecutor]

(address, e-mail address and telephone number)