



Sexual Offences Act 2003

2003 CHAPTER 42

PART 2

NOTIFICATION AND ORDERS

Sexual offences prevention orders

112 Sections 104 and 106 to 109: Scotland

- (1) Sections 104 and 106 to 109 apply to Scotland with the following modifications—
- (a) subsections (1)(b), (2) and (3) of section 104 shall be disregarded;
 - (b) an application under subsection (5) of section 104 shall not be competent in respect of a person who is a qualifying offender by virtue only of a conviction or finding which relates to any offence listed at paragraphs 64 to 111 of Schedule 5;
 - (c) references to a chief officer of police and to his police area are to be read, respectively, as references to a chief constable and to the area of his police force;
 - (d) references to the defendant are to be read as references to the person in respect of whom the order is sought or has effect;
 - (e) an application for a sexual offences prevention order or interim sexual offences prevention order is made by summary application to any sheriff within whose sheriffdom lies—
 - (i) any part of the area of the applicant's police force; or
 - (ii) any place where it is alleged that the person in respect of whom the order is sought or has effect acted in a way mentioned in subsection (5)(b) of section 104,(references to "the court" being construed accordingly);
 - (f) an application for the variation, renewal or discharge of either such order is made by summary application to the sheriff who made the order or to a sheriff—
 - (i) within whose sheriffdom the person subject to the order resides; or

Status: This is the original version (as it was originally enacted).

- (ii) where the application is made by a chief constable, within whose sheriffdom lies any part of the area of the applicant's police force, (references to "the court" being construed accordingly).
- (2) A record of evidence shall be kept on any summary application made by virtue of subsection (1)(e) or (f) above.
- (3) The clerk of the court by which, by virtue of that subsection, a sexual offences prevention order or interim sexual offences prevention order is made, varied, renewed or discharged shall cause a copy of, as the case may be—
- (a) the order as so made, varied or renewed; or
 - (b) the interlocutor by which discharge is effected,
- to be given to the person named in the order or sent to him by registered post or by the recorded delivery service (an acknowledgement or certificate of delivery of a copy so sent, issued by the Post Office, being sufficient evidence of the delivery of the copy on the day specified in the acknowledgement or certificate).