

These notes relate to the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) which received Royal Assent on 12 July 2005

PROTECTION OF CHILDREN AND PREVENTION OF SEXUAL OFFENCES (SCOTLAND) ACT 2005

EXPLANATORY NOTES

THE ACT – COMMENTARY ON SECTIONS

Section 7 – Offence: breach of RSHO or interim RSHO

23. Breach of an RSHO or interim RSHO without reasonable excuse is a criminal offence that is triable either summarily (with a maximum penalty of 6 months imprisonment or a fine not exceeding £5,000 or both) or on indictment, with a maximum penalty on indictment of five years imprisonment or a fine or both.
24. [Section 7](#) also makes it an offence under Scots law for a person to breach an RSHO or interim RSHO that was imposed in England, Wales or Northern Ireland under sections 123 or 126 of the Sexual Offences Act 2003 (e.g. if that person was in Scotland and breaches the terms of the order that was made in England and Wales). Section 7 makes clear that it is only possible to breach in Scotland an RSHO made in England, Wales or Northern Ireland if the order prohibits its subject from doing something throughout the jurisdiction in which it was made, rather than only in a specified place.