



Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

2005 asp 9

Risk of sexual harm orders

4 RSHOs: variations, renewals and discharges

- (1) Any of the persons within subsection (2) below may apply to the appropriate sheriff for an order varying, renewing or discharging a risk of sexual harm order.
- (2) Those persons are—
 - (a) the person against whom the order has effect;
 - (b) the chief constable on whose application the order was made;
 - (c) the chief constable of the police force in the area of which the person against whom the order has effect resides;
 - (d) a chief constable who believes that that person is in, or is intending to come to, the area of the chief constable's police force.
- (3) Subject to subsection (4) below, the sheriff—
 - (a) if satisfied, except where the application is made by the chief constable mentioned in subsection (2)(c) above, that the application has been intimated to that chief constable; and
 - (b) after hearing the person making the application and (if wishing to be heard) any of the other persons mentioned in subsection (2) above,may make any order varying, renewing or discharging the risk of sexual harm order that the sheriff considers appropriate.
- (4) A risk of sexual harm order may be renewed or varied so as to impose additional prohibitions only if it is necessary to do so for the purpose of protecting children generally or any child from harm from the person against whom the order has effect (and any renewed or varied order may contain only such prohibitions as are necessary for that purpose).
- (5) Section 3 above applies for the purposes of this section.
- (6) In this section, "the appropriate sheriff" means a sheriff—
 - (a) for the sheriffdom of the sheriff who made the risk of sexual harm order;

Status: This is the original version (as it was originally enacted).

- (b) in whose sheriffdom the person against whom the order has effect resides;
- (c) in whose sheriffdom that person is believed by the applicant to be; or
- (d) to whose sheriffdom that person is believed by the applicant to be intending to come.