



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

2005 asp 9

## *Risk of sexual harm orders*

### **5 Interim RSHOs**

- (1) This section applies where an application for a risk of sexual harm order (“the main application”) has been intimated to the person against whom the application is made but has not been determined.
- (2) An application for an order under this section (“an interim risk of sexual harm order”)—
  - (a) may be made by way of the main application; or
  - (b) if the main application has been made, may be made, by application to a sheriff for the sheriffdom of the sheriff to whom the main application was made, by the person who made that application.
- (3) The sheriff may, if subsection (4) below applies, make an interim risk of sexual harm order prohibiting the person against whom the main application was made from doing anything described in the order.
- (4) This subsection applies if the sheriff is satisfied—
  - (a) except where the application is made by way of the main application, that it has been intimated to the person against whom it is made;
  - (b) that *prima facie* the person against whom the order is sought has on at least two occasions, whether before or after the commencement of section 2 above, done an act within subsection (5) of that section; and
  - (c) that it is just to make the order.
- (5) Such an order—
  - (a) has effect only for a fixed period specified in the order;
  - (b) ceases to have effect, if it has not already done so, on the determination of the main application.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The applicant or the person against whom an interim risk of sexual harm order has effect may apply to a sheriff for the sheriffdom of the sheriff who made the interim risk of sexual harm order for the order to be varied, renewed or discharged.