



# Domestic Abuse (Scotland) Act 2018

## 2018 asp 5

### DOMESTIC ABUSE (SCOTLAND) ACT 2018

#### **PART 1**

##### OFFENCE AS TO DOMESTIC ABUSE

###### *Engaging in course of abusive behaviour*

- 1 Abusive behaviour towards partner or ex-partner
- 2 What constitutes abusive behaviour
- 3 Extra-territorial jurisdiction

###### *Evidence, aggravation and defence*

- 4 Evidence of impact on victim
- 5 Aggravation in relation to a child
- 6 Defence on grounds of reasonableness

###### *Presumption, alternative and penalty*

- 7 Presumption as to the relationship
- 8 Alternative available for conviction
- 9 Penalty for offence under section 1(1)

###### *Meaning given to key expressions*

- 10 Meaning of references to behaviour
- 11 Meaning of partner and ex-partner

#### **PART 2**

##### FURTHER AND FINAL MATTERS

###### *Schedule, regulations and reporting*

- 12 The 1995 Act etc.
- 13 Ancillary provision
- 14 Reporting requirement

*Commencement and short title*

- 15 Commencement  
16 Short title

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SCHEDULE — MODIFICATION OF ENACTMENTS  
PART 1 — RULES OF CRIMINAL PROCEDURE

**CHAPTER 1**

RESTRICTION ON BAIL IN SOLEMN CASES

- 1 (1) The 1995 Act is amended as follows.

**CHAPTER 2**

CONDUCT OF PRECOGNITION AND DEFENCE

*Bail condition concerning precognition*

- 2 (1) The 1995 Act is amended as follows.

*Prohibition on conduct of own defence*

- 3 (1) The Legal Aid (Scotland) Act 1986 is amended as...  
4 (1) The 1995 Act is amended as follows.  
5 (1) The Criminal Justice (Scotland) Act 2016 is amended as...

**CHAPTER 3**

VULNERABLE WITNESSES AND EXPERT EVIDENCE

*Special measures for vulnerable witnesses*

- 6 (1) The 1995 Act is amended as follows.

*Presentation of certain expert evidence*

- 7 (1) The 1995 Act is amended as follows.

**CHAPTER 4**

VICTIM SAFETY AND NON-HARASSMENT

*Victim safety in relation to sentencing*

- 8 (1) The 1995 Act is amended as follows.

*Consideration of non-harassment order*

- 9 (1) The 1995 Act is amended as follows.

PART 2 — MINOR AND CONSEQUENTIAL AMENDMENTS

- 10 (1) The 1995 Act is amended as follows.  
11 (1) The Abusive Behaviour and Sexual Harm (Scotland) Act 2016...

**Changes to legislation:**

There are currently no known outstanding effects for the Domestic Abuse (Scotland) Act 2018.