

These notes relate to the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22) which received Royal Assent on 28 April 2016

ABUSIVE BEHAVIOUR AND SEXUAL HARM (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 3

– General

Section 41

– Interpretation

175. **Section 41**
defines certain terms for the purpose of this Act.

Section 42

– Ancillary provision

176. **Section 42**
provides a power for the Scottish Ministers to make, by regulations, incidental, supplementary, consequential, transitional, transitory or saving provision relating to this Act.

Section 43

– Minor and consequential modifications

177. **Section 43**
introduces schedule 2, which makes minor amendments and amendments consequential on the provisions of the Act.

Section 44

– Crown application

178. **Section 44**
provides that none of the provisions made by or under the Act are capable of making the Crown criminally liable. However, the Court of Session may issue a civil declarator of non-compliance in relation to the acts or omissions of Crown, on application by the Scottish Ministers or any other public body or office-holder with responsibility for enforcing a provision in the Act. Subsection (3) provides that the Act applies to persons in the public service of the Crown.

Section 45

– Commencement

179. **Section 45**
provides that sections 42, 44, 45 and 46 of the Act come into force on the day after Royal Assent. All other provisions are to come into force on a day appointed by regulations made by the Scottish Ministers.