

DOMESTIC ABUSE (SCOTLAND) ACT 2018

EXPLANATORY NOTES

THE STRUCTURE AND A SUMMARY OF THE ACT

Part 1 – Offence as to Domestic Abuse

Engaging in course of abusive behaviour

Section 3 – Extra-territorial jurisdiction

24. **Section 3(1)** provides that the offence of abusive behaviour towards a partner or ex-partner can be committed where the course of behaviour occurs wholly or partly outside the UK. The effect of this is that the Scottish courts can take cases relating to a course of domestic abuse alleged to have occurred either partly or entirely in another state, subject to the condition at subsection (3) that the accused is either a UK national or a habitual Scottish resident when the course of behaviour is alleged to have occurred.
25. Where the course of behaviour is alleged to have occurred wholly outside the UK, it would not be clear which sheriff court had jurisdiction over the matter. Section 3(2) provides for the accused to be prosecuted in a sheriff court in the district in which they are apprehended or in custody, or in a sheriff court district to be determined by the Lord Advocate.
26. **Section 3(4)** provides a definition of a UK national.