



Domestic Abuse (Scotland) Act 2018

2018 asp 5

PART 1

OFFENCE AS TO DOMESTIC ABUSE

Engaging in course of abusive behaviour

3 Extra-territorial jurisdiction

- (1) An offence under section 1(1) can be constituted by a course of behaviour engaged in by A even if the course of behaviour occurs wholly or partly outside the United Kingdom.
- (2) If the course of behaviour occurs wholly outside the United Kingdom—
 - (a) A may be prosecuted, tried and punished for the offence—
 - (i) in a sheriff court district in which A is apprehended or in custody, or
 - (ii) in a sheriff court district that is determined by the Lord Advocate, as if the offence has been committed entirely in that district,
 - (b) the offence is, for all things incidental to or consequential on trial and punishment, deemed to have been committed entirely in that district.
- (3) Subsections (1) and (2) apply only if A, when the course of behaviour occurs—
 - (a) is habitually resident in Scotland, or
 - (b) is a UK national.
- (4) “UK national” means someone who is, as referred to in the British Nationality Act 1981—
 - (a) a British citizen,
 - (b) a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen, or
 - (c) a British subject or a British protected person.

Commencement Information

II S. 3 in force at 1.4.2019 by [S.S.I. 2018/387](#), [reg. 2](#) (with [reg. 4](#))

Status:

Point in time view as at 01/04/2019.

Changes to legislation:

There are currently no known outstanding effects for the Domestic Abuse (Scotland) Act 2018, Section 3.