



Domestic Abuse (Scotland) Act 2018

2018 asp 5

PART 1

OFFENCE AS TO DOMESTIC ABUSE

Presumption, alternative and penalty

8 Alternative available for conviction

- (1) In proceedings for an offence under section 1(1), A may be convicted of an alternative offence if the facts proved against A—
 - (a) do not amount to the offence under section 1(1), but
 - (b) do amount to the alternative offence.
- (2) An alternative offence as referred to in subsection (1) is one or other of these—
 - (a) an offence under section 38(1) (threatening or abusive behaviour) of the Criminal Justice and Licensing (Scotland) Act 2010,
 - (b) an offence under section 39 (offence of stalking) of that Act.