

*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**

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## **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.