

---

*Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse (Scotland) Act 2018, Paragraph 11. (See end of Document for details)*

---

## SCHEDULE MODIFICATION OF ENACTMENTS

### PART 2

#### MINOR AND CONSEQUENTIAL AMENDMENTS

- 11 (1) The Abusive Behaviour and Sexual Harm (Scotland) Act 2016 is amended as follows.
- (2) In section 1 (aggravation of offence where abuse of partner or ex-partner), in subsection (6)(b), the words “or civil partners” are repealed.
- (3) After section 1 there is inserted—

#### “1A Presumption as to the relationship

- (1) In proceedings for an offence that is aggravated as described in section 1(1) (a), the matter of a person being another person's partner or ex-partner is to be taken as established—
- (a) according to the stating of the matter in the charge of the offence in the complaint or indictment, and
- (b) unless the matter is challenged as provided for in subsection (2).
- (2) The matter is challenged—
- (a) in summary proceedings, by—
- (i) preliminary objection before the plea is recorded, or
- (ii) later objection as the court allows in special circumstances,
- (b) in proceedings on indictment, by giving notice of a preliminary objection in accordance with section 71(2) or 72(6)(b)(i) of the 1995 Act.”.

---

#### Commencement Information

**11** Sch. para. 11 in force at 1.4.2019 by S.S.I. 2018/387, reg. 2 (with reg. 7)

**Changes to legislation:**

There are currently no known outstanding effects for the Domestic Abuse (Scotland) Act 2018, Paragraph 11.