

Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse (Scotland) Act 2018, PART 2. (See end of Document for details)

SCHEDULE MODIFICATION OF ENACTMENTS

PART 2

MINOR AND CONSEQUENTIAL AMENDMENTS

- 10 (1) The 1995 Act is amended as follows.
- (2) In section 79 (preliminary pleas and preliminary issues), after paragraph (c) of subsection (3A) there is inserted—
- “(d) section 1A(2)(b) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 or section 7(2)(b) of the Domestic Abuse (Scotland) Act 2018.”.

Commencement Information

II Sch. para. 10 in force at 1.4.2019 by S.S.I. 2018/387, reg. 2 (with reg. 7)

- 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(aggravation of offence where abuse of partner or ex-partner), in subsection (6)(b), the words “or civil partners” are repealed.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

I2 Sch. para. 11 in force at 1.4.2019 by S.S.I. 2018/387, reg. 2 (with reg. 7)

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