



Sexual Offences (Scotland) Act 2009

2009 asp 9

PART 7

MISCELLANEOUS AND GENERAL

Miscellaneous

[^{F1}54D Offences committed outside the United Kingdom: adult victims

- (1) If—
 - (a) a person who is a UK national does an act in a country outside the United Kingdom, and
 - (b) the act, if done in Scotland, would constitute an offence to which this subsection applies,then the person commits that offence.
- (2) If—
 - (a) a person who is habitually resident in Scotland does an act in a country outside the United Kingdom,
 - (b) the act constitutes an offence under the law in force in that country, and
 - (c) the act, if done in Scotland, would constitute an offence to which this subsection applies,then the person commits that offence.
- (3) The offences to which subsections (1) and (2) apply are offences under any of sections 1 to 4 where the victim of the offence was 18 or over at the time of the offence.
- (4) For the purposes of subsection (2)(b), an act punishable under the law in force in the country is an offence under that law however it is described in that law.
- (5) The condition specified in subsection (2)(b) is to be taken as satisfied unless, not later than such time as may be prescribed by Act of Adjournal, the accused serves on the prosecutor a notice—
 - (a) stating that, on the facts as alleged with respect to the act in question, the condition is not in the accused's opinion satisfied,
 - (b) setting out the grounds for the accused's opinion, and

Changes to legislation: There are currently no known outstanding effects for the Sexual Offences (Scotland) Act 2009, Section 54D. (See end of Document for details)

- (c) requiring the prosecutor to prove that the condition is satisfied.
- (6) But the court, if it thinks fit, may permit the accused to require the prosecutor to prove that the condition is satisfied without the prior service of a notice under subsection (5).
- (7) In proceedings on indictment, the question whether the condition is satisfied is to be determined by the judge alone.
- (8) A person may be prosecuted, tried and punished for an offence by virtue of this section—
- (a) in any sheriff court district in Scotland in which the person is apprehended or is in custody, or
 - (b) in such sheriff court district as the Lord Advocate may determine, as if the offence had been committed in that district; and the offence is, for all purposes incidental to or consequential on trial or punishment, to be deemed to have been committed in that district.
- (9) In this section—
- “country” includes territory;
- “sheriff court district” is to be construed in accordance with section 307(1) of the Criminal Procedure (Scotland) Act 1995 (interpretation);
- “UK national” means an individual who is—
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (b) a person who under the British Nationality Act 1981 is a British subject, or
 - (c) a British protected person within the meaning of that Act.]

Textual Amendments

F1 S. 54D inserted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\)](#), s. 90(6), [Sch. 3 para. 5\(2\)](#); S.S.I. 2021/239, reg. 2

Changes to legislation:

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