



Criminal Justice and Licensing (Scotland) Act 2010

2010 asp 13

PART 2

CRIMINAL LAW

Stalking

[^{F1}39A Offence of stalking committed outside the United Kingdom

- (1) If—
- (a) a person's course of conduct consists of or includes conduct in a country outside the United Kingdom,
 - (b) the course of conduct would constitute the offence of stalking if it occurred in Scotland, and
 - (c) the person is a United Kingdom national or is habitually resident in Scotland, then the person commits that offence.
- (2) If a person's course of conduct consists entirely of conduct in a country outside the United Kingdom—
- (a) the person may be prosecuted, tried and punished for an offence of stalking by virtue of this section—
 - (i) in any sheriff court district in Scotland in which the person is apprehended or is in custody, or
 - (ii) in such sheriff court district as the Lord Advocate may determine, as if the offence had been committed entirely in that district, and
 - (b) the offence is, for all purposes incidental to or consequential on trial or punishment, to be deemed to have been committed entirely in that district.
- (3) 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);

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Licensing (Scotland) Act 2010, Section 39A. (See end of Document for details)

“United Kingdom 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. 39A inserted (29.6.2021) by [Domestic Abuse Act 2021 \(c. 17\)](#), s. 90(6), [Sch. 3 para. 6](#); [S.S.I. 2021/239](#), reg. 2

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