



# Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

## PART 1

### ABUSIVE BEHAVIOUR

#### *Abusive behaviour towards partner or ex-partner*

#### [<sup>F1</sup>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.]

#### Textual Amendments

- F1** S. 1A inserted (1.4.2019) by [Domestic Abuse \(Scotland\) Act 2018 \(asp 5\)](#), s. 15(2), [sch. para. 11\(3\)](#); [S.S.I. 2018/387](#), reg. 2 (with reg. 7)

**Changes to legislation:**

There are currently no known outstanding effects for the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, Section 1A.