



Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

PART 2

SEXUAL HARM

CHAPTER 2

SEXUAL ACTS OUTSIDE SCOTLAND

7 **Incitement to commit certain sexual acts elsewhere in the United Kingdom**

(1) Section 54 of the 2009 Act is amended as follows.

(2) In subsection (1), for “the United Kingdom” substitute “Scotland”.

(3) For subsection (2), substitute—

“(2) However—

- (a) a person who is not a habitual resident of Scotland commits an offence by virtue of subsection (1) in respect of relevant conduct intended to occur elsewhere in the United Kingdom only if, and
- (b) a person who is not a UK national commits an offence by virtue of subsection (1) in respect of relevant conduct intended to occur outside the United Kingdom only if,

the condition in subsection (2A) is met.

(2A) That condition is that the relevant conduct would also involve the commission of an offence under the law in force in the country where the whole or any part of it was intended to take place.”.

(4) In subsection (3), for “(2)” substitute “(2A)”.

(5) In subsection (4), for “(2)” substitute “(2A)”.

(6) In subsection (8)—

Status: This is the original version (as it was originally enacted).

- (a) after the definition of “listed offence” insert—
 - ““habitual resident of Scotland” means an individual who was at the time the act mentioned in subsection (1) took place habitually resident in Scotland,”
 - (b) in the definition of “UK national” omit “, or who has subsequently become”.
- (7) The title becomes “**Incitement to commit certain sexual acts outside Scotland**”.