



Abusive Behaviour and Sexual Harm (Scotland) Act 2016

2016 asp 22

PART 2

SEXUAL HARM

CHAPTER 2

SEXUAL ACTS OUTSIDE SCOTLAND

9 Commission of certain sexual offences outside the United Kingdom

(1) Section 55 of the 2009 Act is amended as follows.

(2) After subsection (2), insert—

“(2A) If—

- (a) a person who is not a UK national or a UK resident does an act in a country outside the United Kingdom which would, if it had been done in Scotland, constitute a listed offence,
- (b) the act constitutes an offence under the law in force in that country, and
- (c) the person meets the nationality or residence condition at the relevant time,

proceedings may be brought against the person in Scotland for that listed offence as if the person had done the act there.

(2B) The person meets the nationality or residence condition at the relevant time if the person is a UK national or a UK resident at the time when the indictment or complaint is served on the person.”.

(3) In subsection (3), for “subsection (2)(b)” substitute “subsections (2)(b) and (2A)(b)”.

(4) In subsection (4), after “(2)(b)” insert “or (2A)(b)”.

Status: This is the original version (as it was originally enacted).

- (5) In subsection (8), for the definition of “UK national” substitute—
- ““UK national” means an individual who was at the time the act mentioned in subsection (1) or (2A) took place—
- (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.”.
- (6) In subsection (8), in the definition of “UK resident”—
- (a) after “(2)” insert “or (2A)”,
 - (b) omit “, or who has subsequently become”.