

# **DOMESTIC ABUSE (SCOTLAND) ACT 2018**

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## **EXPLANATORY NOTES**

### **THE STRUCTURE AND A SUMMARY OF THE ACT**

#### **Part 2 – Further and Final Matters**

##### *The schedule – details*

#### **Part 1 – rules of criminal procedure**

##### *Chapter 3 – vulnerable witnesses and expert evidence*

#### **Presentation of certain expert evidence**

75. Section 275C of the 1995 Act provides that, in cases involving those sexual offences to which section 288C applies, expert psychological or psychiatric evidence relating to subsequent behaviour of, or statements by, the complainer is admissible to rebut inferences which may be drawn from such behaviour or statement as to the complainer's credibility or reliability as a witness.
76. Paragraph 7(2) of the schedule extends the admissibility of such evidence to the subsequent behaviour of, or statements by, complainers in domestic abuse cases, that is in trials relating to the new offence under section 1(1) of this Act or offences aggravated under section 1(1)(a) of the 2016 Act. As the domestic abuse offence in section 1(1) of this Act is an offence committed by a course of conduct, paragraph 7(2)(b) inserts provision to clarify that the expert evidence is admissible in respect of any behaviour or statements subsequent to any part of that course of conduct.