



# Domestic Abuse (Scotland) Act 2018

## 2018 asp 5

### PART 2

#### FURTHER AND FINAL MATTERS

#### *Schedule, regulations and reporting*

VALID FROM 01/04/2019

#### **12 The 1995 Act etc.**

- (1) The schedule modifies the 1995 Act and some other enactments in various respects, including under several headings as to rules of criminal procedure—
  - restriction on bail in solemn cases,
  - bail condition concerning precognition,
  - prohibition on conduct of own defence,
  - special measures for vulnerable witnesses,
  - presentation of certain expert evidence,
  - victim safety in relation to sentencing,
  - consideration of non-harassment order.
- (2) In this section (together with the schedule), “the 1995 Act” means the Criminal Procedure (Scotland) Act 1995.

#### **13 Ancillary provision**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision that they consider appropriate for the purposes of, in connection with or for giving full effect to this Act.
- (2) Regulations under subsection (1) may—
  - (a) modify any enactment (including this Act),
  - (b) make different provision for different purposes.

*Status: Point in time view as at 10/03/2018. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse (Scotland) Act 2018, Part 2. (See end of Document for details)*

- (3) Regulations under subsection (1)—
- (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act,
  - (b) otherwise, are subject to the negative procedure.

VALID FROM 01/04/2019

## 14 Reporting requirement

- (1) The Scottish Ministers must prepare a report on the use of, during the reporting period—
- (a) an offence under section 1(1),
  - (b) an offence that is aggravated as described in section 1(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.
- (2) The report must set out, in relation to those sorts of offences—
- (a) the number of cases for which criminal proceedings are undertaken,
  - (b) the number of cases where it has been—
    - (i) specified in the complaint or libelled in the indictment that the offence is aggravated by reason of involving a child as described in section 5(1)(a),
    - (ii) proved that the offence is so aggravated,
  - (c) the number of convictions in criminal proceedings,
  - (d) the number of cases in which a non-harassment order has been made under section 234AZA of the Criminal Procedure (Scotland) Act 1995 (non-harassment orders: domestic abuse cases) in favour of—
    - (i) a victim,
    - (ii) a child by virtue of subsection (3) of that section,
  - (e) the average length of time—
    - (i) from service of the complaint or indictment,
    - (ii) to finding or verdict as to guilt (including plea of guilty),
  - (f) information about the experience of witnesses (including witnesses who are children) at court,
  - (g) such additional information as the Scottish Ministers think fit.
- (3) The report must, in relation to those sorts of offences—
- (a) include distinct statistics for each of them,
  - (b) provide details with respect to particular—
    - (i) areas,
    - (ii) types of court.
- (4) For the purpose of the report, the Scottish Ministers must seek information from the Lord President of the Court of Session on how court business is arranged, including in different areas or types of court, so as to ensure the efficient disposal of cases involving those sorts of offences.
- (5) The report must be laid before the Scottish Parliament as soon as practicable after the end of the reporting period.

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(6) The reporting period is the period of 3 years beginning with the day on which section 1(1) comes into force.

### *Commencement and short title*

## **15 Commencement**

- (1) The following provisions come into force on the day after Royal Assent—
  - (a) section 13,
  - (b) this section and section 16.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
  - (a) include transitional, transitory or saving provision,
  - (b) make different provision for different purposes.

## **16 Short title**

This short title of this Act is the Domestic Abuse (Scotland) Act 2018.

**Status:**

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**Changes to legislation:**

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