

Prevention of Domestic Abuse (Scotland) Bill

[AS INTRODUCED]

CONTENTS

Section

PART 1

NOTIFICATION REQUIREMENTS FOR DOMESTIC ABUSE OFFENDERS

Notification requirements

- 1 Persons subject to notification requirements
- 2 The notification period
- 3 Initial notification
- 4 Changes
- 5 Periodic notification
- 6 Method of notification and related matters
- 7 Offences relating to notification

Review of indefinite notification requirements

- 8 Review of indefinite notification requirements: applicable persons
- 9 Date of discharge and further date of discharge
- 10 Review procedure and grounds
- 11 Further review
- 12 Application to a sheriff
- 13 Appeals
- 14 Power to amend periods

Management of offenders

- 15 Assessing and managing risks posed by offenders subject to notification requirements
- 16 Interpretation of Part

PART 2

ASSESSMENT OF OFFENDERS FOR REHABILITATION PROGRAMMES AND SERVICES

- 17 Assessment of offenders prior to sentencing
- 18 Assessment of offenders while in custody
- 19 Assessment of prisoners prior to release

PART 3

DATA COLLECTION AND REPORTING

- 20 Relevant personal data
- 21 Collection of relevant personal data by Police Scotland

- 22 Collection of data by procurators fiscal
- 23 Collection of data by charities
- 24 Collection of data in relation to victims under the age of 16
- 25 Submission of collected data to the Scottish Ministers
- 26 Reporting of data collected
- 27 Interpretation of Part

PART 4

SCHOOL EDUCATION

- 28 Domestic abuse education in schools
- 29 Guidance to education authorities relating to domestic abuse education
- 30 Standards relating to domestic abuse education
- 31 Reporting on domestic abuse education
- 32 Interpretation of Part

PART 5

FINAL PROVISIONS

- 33 Regulation-making powers
- 34 Ancillary provision
- 35 Commencement
- 36 Short title

**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:
Explanatory Notes (SP Bill 67-EN), a Financial Memorandum (SP Bill 67-FM), a Policy
Memorandum (SP Bill 67-PM), a Delegated Powers Memorandum (SP Bill 67-DPM) and
statements on legislative competence (SP Bill 67-LC).**

Prevention of Domestic Abuse (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision for the purpose of preventing domestic abuse, including, in particular, provision requiring certain offenders convicted of offences involving domestic abuse to notify the police of certain personal information for a period, and for the assessment and management of the risks posed by such offenders; provision for the assessment of certain offenders convicted of offences involving domestic abuse for suitability for rehabilitation programmes and services; provision for the collection and reporting of data on victims of domestic abuse or offences involving domestic abuse; provision for the promotion of education in schools about domestic abuse; and for connected purposes.

PART 1

NOTIFICATION REQUIREMENTS FOR DOMESTIC ABUSE OFFENDERS

Notification requirements

1 Persons subject to notification requirements

(1) A person is subject to the notification requirements of this Part for the period set out in section 2 (“the notification period”) if—

(a) the person has, on or after the day on which this section comes into force, been convicted on indictment of an offence involving domestic abuse, and

(b) in respect of that conviction—

(i) a sentence of imprisonment for a period of 12 months or more was imposed and the person been released from imprisonment, or

(ii) the person is subject to a community payback order imposed under section 227A of the Criminal Procedure (Scotland) Act 1995 imposing an offender supervision requirement (within the meaning given by section 227G(1) of that Act) whether alone or along with any other requirement.

(2) In this Part, “offence involving domestic abuse” means—

(a) an offence under section 1(1) (abusive behaviour towards partner or ex-partner) of the Domestic Abuse (Scotland) Act 2018,

(b) an offence under section 17 (breach of domestic abuse protection order) of the Domestic Abuse (Protection) (Scotland) Act 2021,

(c) any other offence where the offence is aggravated as described in section 1(1)(a) (aggravation where abuse of partner or ex-partner) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

(3) A person for the time being subject to the notification requirements of this Part is referred to in this Part as a “domestic abuse offender”.

2 The notification period

(1) The notification period for a domestic abuse offender is—

(a) in a case where a sentence of imprisonment for a period of between 12 months and 30 months has been imposed in respect of the conviction, the relevant period beginning with the date of conviction,

(b) in a case where a sentence of imprisonment for a period longer than 30 months has been imposed in respect of the conviction, an indefinite period beginning with the date of conviction,

(c) in a case where the offender is subject to a community payback order imposed under section 227A of the Criminal Procedure (Scotland) Act 1995 in respect of the conviction, the period, beginning with the date of conviction, during which the community payback order is in effect.

(2) In subsection (1)(a), the “relevant period”, in respect of a conviction, is 3 times the length of the period of imprisonment that was imposed in respect of the conviction.

(3) Where a person is aged under 18 on the date of conviction, subsection (1) has effect as if for the reference to the relevant period there were substituted a reference to one-half of the relevant period.

(4) Subsection (5) applies where a domestic abuse offender is or has been sentenced, in respect of two or more offences involving domestic abuse—

(a) to consecutive terms of imprisonment, or

(b) to terms of imprisonment which are partly concurrent.

(5) Where this subsection applies, subsection (1) has effect as if the domestic abuse offender were or had been sentenced, in respect of each of the offences, to a term of imprisonment which—

(a) in the case of consecutive terms, is equal to the aggregate of those terms,

(b) in the case of partly concurrent terms (X and Y, which overlap for a period Z), is equal to X plus Y minus Z.

3 Initial notification

(1) A domestic abuse offender must, within the period of 3 days beginning with the date of conviction (or, if later, the date on which sentence is imposed in respect of the conviction), notify to the police the information set out in subsection (3).

(2) Subsection (1) does not apply to a domestic abuse offender in respect of a conviction if—

(a) immediately before the conviction the offender was subject to the notification requirements of this Part as a result of another conviction (“the earlier conviction”),

- (b) at that time, the offender had made a notification under subsection (1) in respect of the earlier conviction, and
- (c) throughout the period referred to in subsection (1), the offender remains subject to the notification requirements as a result of the earlier conviction.

5 (3) The information referred to in subsection (1) is—

- (a) the domestic abuse offender's date of birth,
- (b) the offender's national insurance number,
- (c) the offender's name on the date of conviction and, where the offender used one or more other names on that date, each of those names,
- 10 (d) the offender's home address on the date of conviction,
- (e) the offender's name on the date on which notification is given and, where the offender uses one or more other names on that date, each of those names,
- (f) the offender's home address on the date on which notification is given,
- (g) the address of any other premises in the United Kingdom at which, at the time
15 the notification is given, the offender regularly resides or stays,
- (h) whether the offender has any passports and, in relation to each passport, the details set out in subsection (4),
- (i) such other information about the offender or the offender's personal affairs as the Scottish Ministers may by regulations prescribe.

20 (4) The details referred to in subsection (3)(h) are, in relation to a passport—

- (a) the issuing authority,
- (b) the number,
- (c) the dates of issue and expiry,
- (d) the name and date of birth given as being those of the passport holder.

25 (5) When calculating the period for the purpose of subsection (1), there is to be disregarded any time when the domestic abuse offender is—

- (a) remanded in or committed to custody by an order of a court,
- (b) serving a sentence of imprisonment or a term of service detention,
- (c) detained in a hospital, or
- 30 (d) outside the United Kingdom.

(6) In this Part, “home address” means, in relation to any person—

- (a) the address of the person's sole or main residence in the United Kingdom, or
- (b) where the person has no such residence, the address or location of a place in the United Kingdom where the person can regularly be found and, if there is more
35 than one such place, such one of those places as the person may select.

4 Changes

- (1) A domestic abuse offender must, within the period of 3 days beginning with—
 - (a) the offender's using a name which has not been notified to the police under section 3(1) or this subsection,
 - (b) any change of the offender's home address,
 - (c) the offender's having resided or stayed, for a qualifying period, at any premises in the United Kingdom the address of which has not been notified to the police under section 3(1) or this subsection,
 - (d) the offender's release from custody pursuant to an order of a court or from imprisonment, service detention or detention in a hospital,
 - (e) the offender's losing or ceasing to have a passport notified to the police under section 3(1) or this subsection,
 - (f) the offender's receiving a passport which has not been notified to the police under section 3(1) or this subsection, or
 - (g) the occurrence, in relation to information required to be notified by virtue of regulations made under section 3(3)(i), of such event as the Scottish Ministers may by regulations prescribe,

notify to the police that name, the new home address, the address of those premises, the fact that the offender has been released, the fact that the offender has lost or ceased to have the passport, the details set out in section 3(4) in relation to the passport or (as the case may be) such information as the Scottish Ministers may by regulations prescribe, and (in addition) the information set out in section 3(3).
- (2) A notification under subsection (1) may be given before the name is used, the change of home address occurs or the qualifying period ends, but in that case the domestic abuse offender must also specify the date when the event is expected to occur.
- (3) If a notification is given in accordance with subsection (2) and the event to which it relates occurs more than 2 days before the date specified, the notification does not affect the duty imposed by subsection (1).
- (4) If a notification is given in accordance with subsection (2) and the event to which it relates has not occurred by the end of the period of 3 days beginning with the date specified—
 - (a) the notification does not affect the duty imposed by subsection (1), and
 - (b) the domestic abuse offender must, within the period of 6 days beginning with the date specified, notify to the police the fact that the event did not occur within the period of 3 days beginning with the date specified.
- (5) Section 3(5) applies to the calculation of the period of 3 days mentioned in subsection (1) and the period of 6 days mentioned in subsection (4)(b), as it applies to the calculation of the period mentioned in section 3(1).
- (6) In this section, “qualifying period” means—
 - (a) a period of 7 days, or
 - (b) two or more periods, in any period of 12 months, which taken together amount to 7 days.

5 Periodic notification

(1) A domestic abuse offender must, within the applicable period after each event within subsection (2), notify to the police the information set out in section 3(3), unless within that period the offender has given a notification under section 4(1).

(2) The events are—

(a) any notification given by the domestic abuse offender under section 3(1) or 4(1), and

(b) any notification given by the offender under subsection (1).

(3) Where the applicable period would (apart from this subsection) end whilst subsection (4) applies to the domestic abuse offender, that period is to be treated as continuing until the end of the period of 3 days beginning when subsection (4) first ceases to apply to the offender.

(4) This subsection applies to the domestic abuse offender if the offender is—

(a) remanded in or committed to custody by an order of a court or kept in service custody,

(b) serving a sentence of imprisonment or a term of service detention,

(c) detained in a hospital, or

(d) outside the United Kingdom.

(5) In this section, the “applicable period” means—

(a) in any case where subsection (6) applies to the domestic abuse offender, such period not exceeding one year as the Scottish Ministers may by regulations prescribe, and

(b) in any other case, the period of one year.

(6) This subsection applies to the domestic abuse offender if the last home address notified by the offender under section 3(1) or 4(1) or subsection (1) was the address or location of such a place as is mentioned in section 3(6)(b).

6 Method of notification and related matters

(1) A person gives a notification under section 3(1), 4(1) or 5(1) by—

(a) attending at such police station as the Scottish Ministers may by regulations prescribe or, if there is more than one, at any of them, and

(b) giving an oral notification to any police officer, or to any person authorised for the purpose by the officer in charge of the station.

(2) A person giving a notification under section 4(1)—

(a) in relation to a prospective change of home address, or

(b) in relation to premises referred to in subsection (1)(c) of that section,

may give the notification at a police station that would fall within subsection (1) above if the change in home address had already occurred or (as the case may be) if the address of those premises were the person’s home address.

- (3) Any notification under this section must be acknowledged, and an acknowledgment under this subsection must be in writing, and in such form as the Scottish Ministers may direct.
- (4) Where a notification is given under section 3(1), 4(1) or 5(1), the domestic abuse offender must, if requested to do so by the police officer or person referred to in subsection (1)(b), produce each passport the offender has to that officer or person, for inspection by that officer or person.

7 Offences relating to notification

- (1) A person commits an offence if the person—
- (a) fails, without reasonable excuse, to comply with section 3(1), 4(1) or (4)(b), 5(1) or 6(4), or
- (b) notifies to the police, in purported compliance with section 3(1), 4(1) or 5(1), any information which the person knows to be false.
- (2) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding £10,000, or both,
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years.
- (3) A person commits an offence under paragraph (a) of subsection (1) on the day on which the person first fails, without reasonable excuse, to comply with section 3(1), 4(1) or 5(1), and continues to commit it throughout any period during which the failure continues; but a person must not be prosecuted under subsection (1) more than once in respect of the same failure.
- (4) Proceedings for an offence under this section may be commenced in any court—
- (a) having jurisdiction in any place where the accused—
- (i) resides,
- (ii) is last known to have resided, or
- (iii) is found,
- (b) which has convicted the accused of an offence if the accused is subject to the notification requirements of this Part by virtue of that conviction.

Review of indefinite notification requirements

8 Review of indefinite notification requirements: applicable persons

- (1) Sections 9 to 13 apply to a person who is subject to the notification requirements of this Part for an indefinite period by virtue of section 1(1).
- (2) A person who falls within subsection (1) is referred to in sections 9 to 13 as a “relevant domestic abuse offender”.

9 Date of discharge and further date of discharge

- (1) For the purposes of this Part, the date of discharge is—
- (a) where the relevant domestic abuse offender was aged 18 or over on the date of conviction, the date falling 15 years after that date,

(b) where the relevant domestic offender was aged under 18 on the date of conviction, the date falling 6 years after that date.

(2) In determining the date of discharge under subsection (1), there is to be disregarded any time when the relevant domestic abuse offender was—

- (a) remanded in or committed to custody by order of a court,
- (b) serving a sentence of imprisonment or a term of service detention,
- (c) detained in hospital, or
- (d) outside the United Kingdom,

before the relevant domestic abuse offender first notified information to the police under section 3(1) of this Act.

(3) Where a notification continuation order made under this Part has effect in respect of the relevant domestic abuse offender, for the purposes of this Part the further date of discharge is the date of expiry of the fixed period specified in that order.

10 Review procedure and grounds

(1) The chief constable must no later than the date of discharge—

- (a) make a notification continuation order in respect of the relevant domestic abuse offender, or
- (b) notify the relevant domestic abuse offender that the offender ceases to be subject to the notification requirements of this Part on the date of discharge.

(2) A notification continuation order is an order making the relevant domestic abuse offender subject to the notification requirements of this Part for a fixed period of not more than 15 years from the date which would, but for the order, have been the date of discharge.

(3) The chief constable may make a notification continuation order only if satisfied, on the balance of probabilities, that the relevant domestic abuse offender poses a risk of relevant harm to any particular member of the public.

(4) In deciding whether to make a notification continuation order, the chief constable must take into account—

- (a) the seriousness of the offence (or offences) which made the relevant domestic offender subject to the notification requirements of this Part for an indefinite period,
- (b) the period of time which has elapsed since the offender committed the offence (or offences),
- (c) whether the offender has committed any offence under section 7 of this Act,
- (d) the age of the offender at the time of the decision,
- (e) the age of the offender at the time the offence (or offences) referred to in paragraph (a) was (or were) committed,
- (f) any convictions or findings made by a court in respect of the offender for any other offence involving domestic abuse,
- (g) whether any criminal proceedings for an offence involving domestic abuse have been instituted against the offender but have not concluded,

(h) any assessment of the risk posed by the offender which has been made by the responsible authorities under the joint arrangements for managing and assessing risk established under section 10 of the Management of Offenders etc. (Scotland) Act 2005,

(i) any other submission or evidence of the risk of relevant harm posed by the offender to any particular member of the public,

(j) any submission or evidence presented by or on behalf of the offender which demonstrates that the offender does not pose a risk of relevant harm to any particular member of the public, and

(k) any other matter which the chief constable considers to be appropriate.

(5) A notification continuation order must state—

(a) the reasons why the order was made, and

(b) the reasons for the determination of the fixed period in the order.

(6) A notification continuation order must be notified to the relevant domestic abuse offender by—

(a) the chief constable sending a copy of the order to the offender by registered post or by the recorded delivery service (an acknowledgement or certificate of delivery of a copy so sent, issued by the Post Office, being sufficient evidence of the delivery of the copy on the day specified in the acknowledgement or certificate), or

(b) a constable serving a copy of the order on the offender.

(7) In this section—

“relevant harm” means physical or psychological harm caused by the relevant domestic abuse offender doing anything which would constitute an offence involving domestic abuse if done in Scotland, and

“responsible authorities” has the meaning given by section 10(7) of the Management of Offenders etc. (Scotland) Act 2005.

11 Further review

(1) Where a notification continuation order has been made, the chief constable must no later than the further date of discharge—

(a) make another notification continuation order in respect of the relevant domestic abuse offender, or

(b) notify the relevant domestic abuse offender that the offender ceases to be subject to the notification requirements of this Part on the further date of discharge.

(2) Section 10(2) to (7) applies in relation to this section, but a reference to the date of discharge is to be read as a reference to the further date of discharge.

12 Application to a sheriff

(1) Where the chief constable fails to comply with section 10(1) or 11(1), the relevant domestic abuse offender may make an application to a sheriff for an order that the offender is no longer subject to the notification requirements of this Part.

- (2) An application under subsection (1) is to be made by summary application to the sheriff in whose sheriffdom the relevant domestic abuse offender resides.
- (3) On an application under subsection (1), the sheriff may—
- (a) make the order sought in the application, or
 - (b) make a notification continuation order in respect of the relevant domestic abuse offender.
- (4) Section 10(2) to (5) and (7) applies in relation to the making of a notification continuation order under this section, but—
- (a) a reference to the chief constable is to be read as a reference to the sheriff, and
 - (b) if an application under subsection (1) is made in relation to the failure of the relevant chief constable to comply with section 11(1), the reference to the date of discharge in section 10(2) is to be read as a reference to the further date of discharge.
- (5) The chief constable and the relevant domestic abuse offender may appear or be represented at any hearing in respect of the application.
- (6) Where an application under subsection (1) is determined, the sheriff clerk must send a copy of the interlocutor, and where made a copy of the notification continuation order, to the relevant domestic abuse offender and the chief constable.
- (7) The copy of the interlocutor, and where made the copy of the notification continuation order, is sent in accordance with subsection (6) if—
- (a) sent by registered post or by the recorded delivery service (an acknowledgement or certificate of delivery of a copy so sent, issued by the Post Office, being sufficient evidence of the delivery of the copy on the day specified in the acknowledgement or certificate), or
 - (b) personally served on the relevant domestic abuse offender and the chief constable.
- (8) The relevant domestic abuse offender remains subject to the notification requirements of this Part until the matter is finally determined as mentioned in section 13(10).

13 Appeals

- (1) The decision of the chief constable—
- (a) to make a notification continuation order, and
 - (b) setting the fixed period of the notification continuation order,
- may be appealed by the relevant domestic abuse offender within 21 days after the date specified in subsection (3).
- (2) An appeal under subsection (1) is to be made by summary application to the sheriff in whose sheriffdom the relevant domestic abuse offender resides.
- (3) The date is—
- (a) where the appeal is brought against the decision of the chief constable made under section 10(1), the date of discharge, or
 - (b) where the appeal is brought against the decision of the relevant chief constable made under section 11(1), the further date of discharge.

- (4) The decision of a sheriff—
- (a) on an application made under section 12(1),
 - (b) on appeal made under subsection (1), and
 - (c) in relation to the fixed period of the notification continuation order,
- 5 may be appealed by the relevant domestic abuse offender or the chief constable to the Sheriff Appeal Court within 21 days of the date of that decision.
- (5) On an appeal under this section, the sheriff or the Sheriff Appeal Court may—
- (a) uphold or quash the decision of the chief constable or, as the case may be, the sheriff,
 - 10 (b) make a notification continuation order, or
 - (c) vary the fixed period in that order.
- (6) Section 10(3) to (5) applies in relation to the making of a notification continuation order under this section but a reference to the chief constable is to be read as a reference to the sheriff or, as the case may be, Sheriff Appeal Court.
- 15 (7) Where an appeal under this section is finally determined, the sheriff clerk must send a copy of the interlocutor, and where made a copy of the notification continuation order, to the relevant domestic abuse offender and the chief constable.
- (8) The copy of the interlocutor, and where made the copy of the notification continuation order, is sent in accordance with subsection (7) if—
- 20 (a) sent by registered post or by the recorded delivery service (an acknowledgement or certificate of delivery of a copy so sent, issued by the Post Office, being sufficient evidence of the delivery of the copy on the day specified in the acknowledgement or certificate), or
 - (b) personally served on the relevant domestic abuse offender and chief constable.
- 25 (9) The relevant domestic abuse offender remains subject to the existing notification requirements of this Part until the matter is finally determined as mentioned in subsection (10).
- (10) The matter is finally determined—
- 30 (a) where it is decided that a relevant domestic abuse offender should cease to be subject to the notification requirements of this Part, or the decision to make a notification continuation order is quashed, on the expiry of the period of 21 days referred to in subsection (4) without an appeal being taken,
 - (b) where a notification continuation order is made, or a decision to make such an order is upheld on appeal, on the expiry of the period of 21 days referred to in subsection (1) or (4) without an appeal being taken, or
 - 35 (c) where an appeal is taken—
 - (i) on the disposal of the appeal, or
 - (ii) on its being abandoned.

14 Power to amend periods

The Scottish Ministers may by regulations amend—

- (a) the periods specified in section 9(1), and
- (b) the fixed period specified in section 10(2).

5

Management of offenders

15 Assessing and managing risks posed by offenders subject to notification requirements

- (1) Section 10 (arrangements for assessing and managing risks posed by certain offenders) of the Management of Offenders etc. (Scotland) Act 2005 is amended as follows.
- (2) In subsection (1), after paragraph (a) insert—
 - “*(aa)* is subject to the notification requirements of Part 1 of the Prevention of Domestic Abuse (Scotland) Act 2025;”.
- (3) In subsection (2)(a), after “paragraph (a)” insert “or *(aa)*”.

10

16 Interpretation of Part

In this Part—

15

“chief constable” means the chief constable of the Police Service of Scotland,
“conviction”, in relation to a domestic abuse offender, means (except where the context requires otherwise) the conviction for an offence by virtue of which the offender is subject to the notification requirements of this Part,
“domestic abuse offender” has the meaning given in section 1(3),
“home address” has the meaning given in section 3(6),
“imprisonment” includes detention,
“offence involving domestic abuse” has the meaning given in section 1(2),
“passport” means—

20

25

- (a) a United Kingdom passport within the meaning of the Immigration Act 1971 (c. 77),
- (b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation,
- (c) a document that can be used (in some or all circumstances) instead of a passport.

30

PART 2

ASSESSMENT OF OFFENDERS FOR REHABILITATION PROGRAMMES AND SERVICES

17 Assessment of offenders prior to sentencing

After section 203 (reports) of the Criminal Procedure (Scotland) Act 1995 insert—

“203ZA Reports in domestic abuse cases

- (1) This section applies in a case where a person (“the offender”) is—
 - (a) convicted on indictment of an offence involving domestic abuse, or
 - (b) convicted of such an offence in summary proceedings, having previously been convicted (whether in summary proceedings or on indictment and whether before or after the coming into force of this section) of such an offence.
- (2) Before disposing of the case, the court must obtain a report from the local authority in whose area the offender resides setting out an assessment of the suitability of the offender for participation in a programme of appropriate rehabilitation services.
- (3) However, if there is available to the court a report from a local authority—
 - (a) of the kind described in subsection (2) above, and
 - (b) which was prepared in relation to the offender not more than 3 months before the offender was convicted of the offence,

the court need not obtain another report of that kind before disposing of the case unless it considers, following representations made by or on behalf of the offender as to the offender’s circumstances, that it is appropriate to obtain another report.
- (4) A copy of a report obtained by a court under this section must be given by the clerk of the court to—
 - (a) the offender,
 - (b) the offender’s solicitor (if any), and
 - (c) the prosecutor.
- (5) In this section—

“offence involving domestic abuse” means—

 - (a) an offence under section 1(1) (abusive behaviour towards partner or ex-partner) of the Domestic Abuse (Scotland) Act 2018,
 - (b) an offence under section 7 (breach of domestic abuse protection notice) of the Domestic Abuse (Protection) (Scotland) Act 2021,
 - (c) an offence under section 17 (breach of domestic abuse protection order) of that Act,
 - (d) any other offence where the offence is aggravated as described in section 1(1)(a) (aggravation where abuse of partner or ex-partner) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016,

“programme of appropriate rehabilitation services” means a programme of services and activities, specifically for persons convicted of an offence involving domestic abuse, providing advice, guidance, help and support designed to eliminate or reduce the risk of committing further offences involving domestic abuse.”.

18 Assessment of offenders while in custody

After section 34C (throughcare support standards) of the Community Justice (Scotland) Act 2016, insert—

“34CA Throughcare support for offenders in domestic abuse cases

- 5 (1) An individual falls within this section if they have been—
- (a) convicted (whether before or after the coming into force of this section) of an offence involving domestic abuse, and
 - (b) sentenced to imprisonment or detention in a penal institution in respect of the offence.
- 10 (2) The Scottish Ministers must ensure that standards published under section 34C seek to ensure that throughcare support (within the meaning of section 34C) in relation to an individual falling within this section includes provision for—
- (a) appropriate rehabilitation services, and
 - (b) an assessment of the suitability of the individual for provision of appropriate rehabilitation services.
- 15 (3) The standards may provide that, if there is available to a provider of throughcare support an assessment—
- (a) of the kind described in subsection (2)(b) above, and
 - (b) which was carried out in relation to the individual not more than 6 months before the individual was convicted of the offence,
- 20 no further assessment of that kind need be carried out in relation to the individual unless the provider of throughcare support considers, following representations made by or on behalf of the individual as to the individual's circumstances, that it is appropriate to carry out another assessment.
- 25 (4) In subsection (2), “appropriate rehabilitation services” means services and activities, specifically for persons convicted of an offence involving domestic abuse, providing advice, guidance, help and support designed to eliminate or reduce the risk of committing further offences involving domestic abuse.
- (5) In this section, “offence involving domestic abuse” means—
- 30 (a) an offence under section 1(1) (abusive behaviour towards partner or ex-partner) of the Domestic Abuse (Scotland) Act 2018,
 - (b) an offence under section 7 (breach of domestic abuse protection notice) of the Domestic Abuse (Protection) (Scotland) Act 2021,
 - (c) an offence under section 17 (breach of domestic abuse protection order) of that Act,
 - 35 (d) any other offence where the offence is aggravated as described in section 1(1)(a) (aggravation where abuse of partner or ex-partner) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.”.

19 Assessment of prisoners prior to release

40 After section 20 (Parole Board for Scotland) of the Prisoner and Criminal Proceedings (Scotland) Act 1993 insert—

“20A Rehabilitation of domestic abuse offenders

- (1) This section applies to a prisoner who is serving a sentence of imprisonment imposed (whether before or after the coming into force of this section) in respect of an offence involving domestic abuse.
- (2) The Scottish Ministers must ensure that rules made under section 20(4), (4A) and (4B) include provision, in relation to a prisoner to whom this section applies—
 - (a) for the Scottish Ministers to obtain and send to the Parole Board a report from the local authority in whose area the prisoner resides setting out an assessment of the suitability of the prisoner for participation in a programme of appropriate rehabilitation services, and
 - (b) for the Parole Board, in considering and disposing of the case of the prisoner, to take the report into account.
- (3) In subsection (2), “programme of appropriate rehabilitation services” means a programme of services and activities, specifically for persons convicted of an offence involving domestic abuse, providing advice, guidance, help and support designed to eliminate or reduce the risk of committing further offences involving domestic abuse.
- (4) In this section, “offence involving domestic abuse” means—
 - (a) an offence under section 1(1) (abusive behaviour towards partner or ex-partner) of the Domestic Abuse (Scotland) Act 2018,
 - (b) an offence under section 7 (breach of domestic abuse protection notice) of the Domestic Abuse (Protection) (Scotland) Act 2021,
 - (c) an offence under section 17 (breach of domestic abuse protection order) of that Act,
 - (d) any other offence where the offence is aggravated as described in section 1(1)(a) (aggravation where abuse of partner or ex-partner) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.”.

PART 3

DATA COLLECTION AND REPORTING

20 Relevant personal data

- (1) For the purposes of this Part, the “relevant personal data” of a person is—
 - (a) their age or the age range within which they fall,
 - (b) their sex,
 - (c) whether they have a disability, within the meaning of section 6(1) of the Equality Act 2010,
 - (d) their nationality (including citizenship),
 - (e) their ethnic or national origins,
 - (f) whether they are or have ever been a child looked after by a local authority, within the meaning of section 17(6) of the Children (Scotland) Act 1995.

- (2) The Scottish Ministers may by regulations amend the definition of “relevant personal data” in subsection (1).

21 Collection of relevant personal data by Police Scotland

- (1) The chief constable of the Police Service of Scotland must ensure that the relevant personal data of the persons mentioned in subsection (2) is—
- (a) collected by constables or persons authorised by constables, and
 - (b) submitted to the Scottish Ministers in accordance with section 25.
- (2) The persons are victims of alleged offences involving domestic abuse reported to constables.
- (3) For the purposes of complying with subsection (1)(a), a constable or a person authorised by a constable may request that a person mentioned in subsection (2) provide their relevant personal data.
- (4) However, the person may decline to provide any of their relevant personal data in response to such a request.
- (5) In this section, “constable” has the meaning given in section 99(1) of the Police and Fire Reform (Scotland) Act 2012.
- (6) In this Part, “offence involving domestic abuse” means—
- (a) an offence under section 1(1) (abusive behaviour towards partner or ex-partner) of the Domestic Abuse (Scotland) Act 2018,
 - (b) an offence under section 7 (breach of domestic abuse protection notice) of the Domestic Abuse (Protection) (Scotland) Act 2021,
 - (c) an offence under section 17 (breach of domestic abuse protection order) of that Act,
 - (d) any other offence where the offence is aggravated as described in section 1(1)(a) (aggravation where abuse of partner or ex-partner) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

22 Collection of data by procurators fiscal

- (1) The Lord Advocate (through the Crown Office and Procurator Fiscal Service) must ensure that the relevant personal data of the persons mentioned in subsection (2) is—
- (a) collected by procurators fiscal or persons authorised by procurators fiscal, and
 - (b) submitted to the Scottish Ministers in accordance with section 25.
- (2) The persons are victims of alleged offences involving domestic abuse reported to procurators fiscal or the Lord Advocate.
- (3) For the purposes of complying with subsection (1)(a), a procurator fiscal or a person authorised by a procurator fiscal may request that a person mentioned in subsection (2) provide their relevant personal data.
- (4) However, the person may decline to provide any of their relevant personal data in response to such a request.

23 Collection of data by charities

- (1) This section applies to any charity which has as its purpose, or among its purposes, the provision of help or support to victims of domestic abuse.
- (2) The charity must, subject to subsection (4), ensure that the relevant personal data of persons mentioned in subsection (3) is—
 - (a) collected by the charity or persons authorised by the charity, and
 - (b) submitted to the Scottish Ministers in accordance with section 25.
- (3) The persons are victims of domestic abuse to whom the charity provides help or support.
- (4) A charity need not collect the relevant personal data of a particular such person if the charity considers that—
 - (a) it would be unreasonable to do so having regard to the person’s circumstances, or
 - (b) it would be impracticable to do so having regard to the charity’s resources.
- (5) For the purposes of complying with subsection (2)(a), a charity or a person authorised by the charity may request that a person mentioned in subsection (3) provide their relevant personal data.
- (6) However, the person may decline to provide any of their relevant personal data in response to such a request.
- (7) In this section—

“charity” means a charity within the meaning of the Charities and Trustee Investment (Scotland) Act 2005,

“domestic abuse” means behaviour that—

 - (a) could constitute an offence under section 1(1) (abusive behaviour towards partner or ex-partner) of the Domestic Abuse (Scotland) Act 2018,
 - (b) could be the subject of a domestic abuse protection notice or domestic abuse protection order under Part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021, or
 - (c) could constitute an aggravation as described in section 1(1)(a) (aggravation where abuse of partner or ex-partner) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

24 Collection of data in relation to victims under the age of 16

The Scottish Ministers may by regulations modify the application of sections 21, 22 and 23 for cases where the victims of domestic abuse or alleged offences involving domestic abuse are under the age of 16.

25 Submission of collected data to the Scottish Ministers

- (1) Relevant personal data collected by virtue of section 21, 22 or 23 is to be submitted to the Scottish Ministers—
 - (a) in such form and manner, and
 - (b) by such time,

as the Scottish Ministers may by regulations specify.

- (2) Relevant personal data submitted to the Scottish Ministers under section 21, 22 or 23 must not disclose the identity of the person to whom the data relates.

26 Reporting of data collected

- (1) The Scottish Ministers must, before the end of the period of 3 months beginning with the end of each reporting period—
- (a) prepare a report setting out the relevant personal data submitted to them under sections 21, 22 and 23 in the reporting year,
 - (b) lay the report before the Scottish Parliament, and
 - (c) publish the report.
- (2) The report is to set out the data in such form and manner as the Scottish Ministers may determine.
- (3) In subsection (1), “reporting period” means—
- (a) the period of one year beginning with the day on which this section comes into force, and
 - (b) each subsequent period of one year.

27 Interpretation of Part

In this Part—

“offence involving domestic abuse” has the meaning given in section 21(6),

“relevant personal data” has the meaning given in section 20(1).

PART 4

SCHOOL EDUCATION

28 Domestic abuse education in schools

- (1) The Scottish Ministers must promote, facilitate and support domestic abuse education in schools.
- (2) An education authority must promote, facilitate and support domestic abuse education in the schools under its management.
- (3) A pupil may be withdrawn by their parent from any domestic abuse education provided in any school, and no pupil in any school is to be placed at any disadvantage by reason of their being withdrawn from any domestic abuse education.
- (4) In this Part—
- “domestic abuse education” means education consisting of teaching and learning about the causes of, occurrence of and prevention of domestic abuse, including about what constitutes domestic abuse and the law relating to domestic abuse,
 - “domestic abuse” means behaviour that—
- (a) could constitute an offence under section 1(1) (abusive behaviour towards partner or ex-partner) of the Domestic Abuse (Scotland) Act 2018,

- (b) could be the subject of a domestic abuse protection notice or domestic abuse protection order under Part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021, or
- (c) could constitute an aggravation as described in section 1(1)(a) (aggravation where abuse of partner or ex-partner) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.

29 Guidance to education authorities relating to domestic abuse education

- (1) The Scottish Ministers must issue guidance to education authorities relating to domestic abuse education in schools.
- (2) The Scottish Ministers must keep the guidance under review and may issue revised guidance from time to time.
- (3) In exercising its functions relating to school education, an education authority must have regard to guidance issued by the Scottish Ministers under this section.
- (4) In preparing guidance under this section, the Scottish Ministers must consult—
 - (a) charities or other bodies that provide support for people who have suffered or are suffering domestic abuse, and
 - (b) such other persons as they consider appropriate.
- (5) The Scottish Ministers must publish guidance issued under this section.

30 Standards relating to domestic abuse education

- (1) The Scottish Ministers may by regulations specify the standards and requirements to which an education authority must conform in discharging its functions relating to domestic abuse education in the schools under its management.
- (2) Regulations under subsection (1) may—
 - (a) provide for exemptions from any requirement to provide or participate in domestic abuse education,
 - (b) impose requirements to make reasonable adjustments within the meaning of the Equality Act 2010.
- (3) Before laying a draft of regulations under subsection (1) before the Scottish Parliament for approval, the Scottish Ministers must consult—
 - (a) education authorities,
 - (b) charities or other bodies that provide support for people who have suffered or are suffering domestic abuse,
 - (c) such other persons as they consider appropriate.

31 Reporting on domestic abuse education

- (1) The Scottish Ministers must from time to time prepare, and lay before the Scottish Parliament, reports setting out progress made, during the period to which the report relates, in the delivery of domestic abuse education in schools.

- (2) For the purpose of preparing a report under this section, an education authority must provide the Scottish Ministers with such information as they may require in relation to the provision of domestic abuse education in schools under its management.
- (3) The Scottish Ministers must, as soon as practicable after a report is laid before the Scottish Parliament under this section, publish the report in such manner as they consider appropriate.

32 Interpretation of Part

- (1) This section defines terms used in this Part.
- (2) “Domestic abuse education” and “domestic abuse” have the meanings given in section 28(4).
- (3) The following expressions have the meanings given by section 135(1) of the Education (Scotland) Act 1980—
- “education authority”,
 - “parent”,
 - “pupil”,
 - “school” (but here the expression does not include a nursery school or a special school within the meanings given by that section),
 - “school education”.

PART 5

FINAL PROVISIONS

33 Regulation-making powers

- (1) Any power of the Scottish Ministers to make regulations under this Act includes power to make—
- (a) different provision for different purposes,
 - (b) incidental, supplementary, consequential, transitional, transitory or saving provision.
- (2) Regulations under the following provisions are subject to the affirmative procedure—
- (a) section 3(3)(i),
 - (b) section 4(1),
 - (c) section 5(5)(a),
 - (d) section 14,
 - (e) section 20(2),
 - (f) section 24,
 - (g) section 25(1),
 - (h) section 30(1),
 - (i) section 34(1) (if they contain provision adding to, replacing or omitting any part of the text of an Act).

- (3) Regulations under the following provisions are subject to the negative procedure—
- (a) section 6(1)(a),
 - (b) section 34(1) (unless they are subject to the affirmative procedure by virtue of subsection (2)).

5 **34 Ancillary provision**

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.

- 10 (2) Regulations under this section may modify any enactment (including this Act).

35 Commencement

- (1) This section and sections 33, 34 and 36 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force at the end of the period of two months beginning with the day of Royal Assent.

15 **36 Short title**

The short title of this Act is the Prevention of Domestic Abuse (Scotland) Act 2025.

Prevention of Domestic Abuse (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision for the purpose of preventing domestic abuse, including, in particular, provision requiring certain offenders convicted of offences involving domestic abuse to notify the police of certain personal information for a period, and for the assessment and management of the risks posed by such offenders; provision for the assessment of certain offenders convicted of offences involving domestic abuse for suitability for rehabilitation programmes and services; provision for the collection and reporting of data on victims of domestic abuse or offences involving domestic abuse; provision for the promotion of education in schools about domestic abuse; and for connected purposes.

Introduced by: Pam Gosal
On: 7 May 2025
Bill type: Member's Bill

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website -

www.parliament.scot

Produced and published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish Parliament website at:

www.parliament.scot/documents