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**Changes to legislation:** Domestic Abuse Act 2021, Cross Heading: Criminal Justice and Licensing (Scotland)  
Act 2010 (asp 13) is up to date with all changes known to be in force on or before 27 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## SCHEDULES

### SCHEDULE 3

#### AMENDMENTS RELATING TO OFFENCES COMMITTED OUTSIDE THE UK

#### PART 2

#### SCOTLAND

##### *Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)*

6 In the Criminal Justice and Licensing (Scotland) Act 2010, after section 39 insert—

#### **“39A Offence of stalking committed outside the United Kingdom**

(1) If—

- (a) a person's course of conduct consists of or includes conduct in a country outside the United Kingdom,
- (b) the course of conduct would constitute the offence of stalking if it occurred in Scotland, and
- (c) the person is a United Kingdom national or is habitually resident in Scotland,

then the person commits that offence.

(2) If a person's course of conduct consists entirely of conduct in a country outside the United Kingdom—

- (a) the person may be prosecuted, tried and punished for an offence of stalking by virtue of this section—
  - (i) in any sheriff court district in Scotland in which the person is apprehended or is in custody, or
  - (ii) in such sheriff court district as the Lord Advocate may determine,

as if the offence had been committed entirely in that district, and

- (b) the offence is, for all purposes incidental to or consequential on trial or punishment, to be deemed to have been committed entirely in that district.

(3) In this section—

“country” includes territory;

“sheriff court district” is to be construed in accordance with section 307(1) of the Criminal Procedure (Scotland) Act 1995 (interpretation);

“United Kingdom national” means an individual who is—

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- (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.”

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 49A49B and cross-heading inserted by [2024 c. 21 s. 20\(2\)](#)
- s. 56(4)(c) inserted by [2024 c. 21 s. 20\(4\)](#)
- s. 87(6)(aa) inserted by [2024 c. 21 s. 20\(5\)](#)