



What you need to know about the Domestic Abuse (Scotland) Bill 2018

Background

The [Domestic Abuse \(Scotland\) Bill](#) was passed on 1 February 2018. The Bill has been welcomed by campaigners and is said to set the 'gold standard' in domestic abuse law.

The Bill is intended to ensure that criminal law in Scotland reflects the reality that abuse can consist of physical abuse, which can currently be prosecuted, **and** psychological and emotional abuse which often cannot be prosecuted or is very difficult to prosecute.

What does the Bill cover?

The Bill introduces a criminal offence for 'domestic abuse' which will cover physical abuse and threats as well as other types of abusive non-violent behavior including psychological abuse and coercive control.

In order for an offence to have been committed, three conditions must be met:

- The person must have pursued a course of abusive behavior towards their partner or ex-partner. This must have taken place on at least two occasions.
- A reasonable person would consider that the behavior would be likely to cause physical or psychological harm.
- The person must have intended to cause physical or psychological harm through their behavior or have been reckless as to the causing of such harm.

The Bill sets out what constitutes 'abusive behavior'. This includes behavior which is violent, threatening or intimidating (including sexual violence) and behavior which is likely to result in one of the following effects:

- The partner or ex-partner becomes dependent on or subordinate to their abuser;
- The partner or ex-partner becomes isolated from friends, relatives or other sources of support;
- The abuser is controlling, regulating or monitoring day to day activities;
- The abuser is depriving their partner or ex-partner of, or restricting their freedom of action; or

- The abuser's behavior is frightening, humiliating, degrading or punishing.

The abusive behavior can be directed towards the partner or ex-partner, towards their child or another person (for example, encouraging a friend to call them offensive names).

The types of behavior outlined in the Bill are not exhaustive. Examples of behavior which might fall under this definition include restricting access to money, preventing someone from leaving their home, checking messages on their phone or making derogatory remarks about them to their children, friends or family.

What does this mean for the housing sector?

The housing sector already provides vital support for people facing domestic violence.

While the Bill itself will not have any direct impact on the delivery of housing services, social landlords should take note of the extended definition of 'domestic abuse' and how victims are supported.

Scottish Women's Aid published a report [Change, Justice, Fairness: Why should we have to move everywhere and everything because of him?](#) in 2015 listing a number of recommendations for the Scottish Government, Fife Council and their partners. These include consideration of homelessness and housing options services for victims of domestic abuse and merit further consideration by all social landlords in the context of the new legislation.

The Housing Minister has also written to Directors of Housing at RSLs across Scotland asking them to consider actions which they might take to support victims of domestic abuse and their children to stay in their homes where it is safe to do so.

The Chartered Institute of Housing is considering how best to support our members in Scotland. If you deal with domestic violence in your role and would benefit from more information about domestic violence law or your organisation would be interested in training for staff, please get in touch with us: scotland.contact@cih.org