

Citizen Participation and Public Petitions Committee
Wednesday 12 November 2025
17th Meeting, 2025 (Session 6)

PE2182: Review the Domestic Abuse (Scotland) Act and introduce a minimum sentence for severe offences

Introduction

Petitioner Hannah Doig

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to review the definition of domestic abuse in the Domestic Abuse (Scotland) Act and introduce a minimum sentence for severe offences.

Webpage <https://petitions.parliament.scot/petitions/PE2182>

1. This is a new petition that was lodged on 9 September 2025.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition collects signatures while it remains under consideration. At the time of writing, 683 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Scottish Government and the Petitioner, which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
November 2025

Annexe A: Summary of petition

PE2182: Review the Domestic Abuse (Scotland) Act and introduce a minimum sentence for severe offences

Petitioner

Hannah Doig

Date Lodged

9 September 2025

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to review the definition of domestic abuse in the Domestic Abuse (Scotland) Act and introduce a minimum sentence for severe offences.

Background information

Current penalties are too lenient and fail to reflect the severity of the crimes or the lasting trauma victims endure. Increased sentencing is necessary to properly address these heinous acts and their devastating impact on the victims. Domestic abuse victims often feel unheard, unsupported, and powerless to report their abusers due to the leniency in the current sentencing system.

This is not justice. Victims of domestic abuse consistently report feeling let down by the justice system. Many victims do not feel confident in the justice system, and that perpetrators are not held accountable for the trauma they cause. The Scottish Government has acknowledged this issue in its reports, highlighting that victims often do not feel protected or supported by the system. There is a growing sense of frustration and distrust in the justice system and a lack of regard for women's safety.

Annexe B: SPICe briefing on PE2182



Introduction

The [petition](#) calls on the Scottish Parliament to urge the Scottish Government to:

- review the definition of domestic abuse in the [Domestic Abuse \(Scotland\) Act 2018](#) (referred to below as the 2018 Act but also commonly referred to as DASA)
- introduce a minimum sentence for severe offences.

The background information provided in the petition expresses concern about sentencing for domestic abuse:

“Current penalties are too lenient and fail to reflect the severity of the crimes or the lasting trauma victims endure. Increased sentencing is necessary to properly address these heinous acts and their devastating impact on the victims. Domestic abuse victims often feel unheard, unsupported, and powerless to report their abusers due to the leniency in the current sentencing system.”

Other than calling for a review, the petition does not comment on the current definition of domestic abuse in the 2018 Act.

Criminal offences

Part 1 of the 2018 Act created a new offence of domestic abuse against a partner or ex-partner. The aim was to help enable the effective prosecution of behaviour, taking place over a period of time, which is physically and/or psychologically abusive – including coercive and controlling behaviour. The new offence came into force on 1 April 2019.

The creation of this offence was not intended to wholly replace the use of other more general offences in the prosecution of domestic abuse (e.g. assault or threatening and abusive behaviour). Those offences are still used in conjunction with the domestic abuse aggravator provided for in section 1 of the [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#).

The use of a range of offences in prosecuting domestic abuse is illustrated by [information on domestic abuse and stalking charges](#) published by the Crown Office & Procurator Fiscal Service in September 2025. It includes the following data for 2024-25:

- 2,028 charges reported under the offence set out in the 2018 Act
- 26,701 charges reported under other offences coupled with the statutory domestic abuse aggravator set out in the Abusive Behaviour and Sexual Harm (Scotland) Act 2016
- the four most common offences reported with the statutory domestic abuse aggravator were – threatening and abusive behaviour (7,518); common assault (6,882); crimes against public justice (6,849); and vandalism (1,365).

Reviews

The petition seeks a review of the definition of domestic abuse in the 2018 Act. Although not necessarily focused on that specific point, there have in recent years been several reviews of how the criminal justice system deals with domestic abuse. Relevant review reports include:

- Scottish Government – [Domestic Abuse \(Scotland\) Act 2018 Interim Reporting Requirement](#) (January 2023)¹
- HM Inspectorate of Constabulary in Scotland – [Thematic Review of Domestic Abuse Phase 1](#) (January 2023)
- Criminal Justice Committee – [Post-legislative scrutiny of the Domestic Abuse \(Scotland\) Act 2018](#) (May 2023)
- HM Inspectorate of Prosecution in Scotland – [The prosecution of domestic abuse cases at sheriff summary level](#) (April 2024).

Sentencing

The petition seeks the introduction of a minimum sentence where domestic abuse is severe. It does not say what that sentence should be.

The following highlights some areas relevant to consideration of the petition. For more general information on sentencing, see the [Scottish Sentencing Council's](#) website under the headings of '[Introduction to sentencing](#)' and '[What the law says](#)'.

Minimum sentence

Legal requirements for minimum (or mandatory) sentences are relatively uncommon but do exist. For example, the mandatory life sentence for murder, and provision for a minimum custodial sentence of 7 years where there is a third conviction for certain drug trafficking offences.² The law does not currently provide for a minimum sentence for domestic abuse.

Maximum sentence

¹ A final report has not yet been published.

² In relation to drug trafficking, see [section 205B](#) of the Criminal Procedure (Scotland) Act 1995.

It is usual for there to be limits on the maximum sentence a court can impose. For statutory offences, these are generally set out in the legislation creating those offences. For example, the maximum custodial sentence for the offence set out in section 1 of the Domestic Abuse (Scotland) Act 2018 is:

- 12 months for a conviction under summary procedure
- 14 years for a conviction under solemn procedure (on indictment)

In relation to common law offences, maximum sentencing powers are generally set by the sentencing powers of the court dealing with the offence.

Approach to sentencing for domestic abuse

The Scottish Sentencing Council has published several [sentencing guidelines](#). The courts must have regard to applicable guidelines when sentencing an offender.

Existing sentencing guidelines includes one on the [principles and purposes of sentencing](#) (November 2018). In relation to the whole range of offences dealt with by the courts, it notes that the purposes of a sentence may include:

- protection of the public
- punishment
- rehabilitation of offenders
- giving the offender the opportunity to make amends
- expressing disapproval of offending behaviour.

In relation to convictions for domestic abuse, the Domestic Abuse (Scotland) Act 2018 (amending the Criminal Procedure (Scotland) Act 1995) provided that a court when sentencing an offender:

“must have particular regard to the aim of ensuring that the victim is not the subject of a further such offence committed by the convicted person”.

The Scottish Sentencing Council is currently [working on producing further sentencing guidelines in several areas](#). These include domestic abuse, in relation to which it is currently working on developing a draft guideline. A [Domestic Abuse Working Group Committee](#) has been established to help in taking forward this work.

The Scottish Sentencing Council has also published the following material on sentencing for domestic abuse:

- literature review – [The sentencing of offences involving domestic abuse in Scotland](#) (June 2022)
- blog – [Sentencing domestic abuse in Scotland](#) (July 2022)

- research report – [Exploring views on sentencing for domestic abuse in Scotland](#) (August 2024).

Sentencing data for the 2018 Act

[Criminal proceedings data](#), published by the Scottish Government in December 2024, indicates that 763 people were convicted in 2022-23 where the main charge was the offence provided for in the 2018 Act. In relation to those convictions, the main penalty was:

- community sentence – 66%
- custodial sentence – 15%
- financial penalty – 12%
- other (e.g. admonished) – 8%.

Non-harassment orders

The potential use of a non-harassment orders (NHOs) following a conviction for domestic abuse should also be highlighted. NHOs require a person to stop doing something and can be granted by the courts in the context of both criminal and civil proceedings. They seek to prevent behaviour which may cause harm or distress to another.

In relation to criminal cases generally, the prosecution can ask the court to make an NHO as part of the disposal following conviction. The Domestic Abuse (Scotland) Act 2018 (amending the Criminal Procedure (Scotland) Act 1995) made special provision for cases where a person is convicted of an offence involving domestic abuse.

Where it applies:

- the court must consider whether to make an NHO without waiting for the prosecutor to ask for one
- there is what may be described as a presumption in favour of making an NHO, in that the court is directed to make one unless it concludes that the protection such an order would provide is not needed.

Also in relation to domestic abuse cases, the [Victims, Witnesses, and Justice Reform \(Scotland\) Bill](#) (as passed by the Scottish Parliament on 17 September 2025) includes a provision which would require the court to have regard to any prior bail conditions preventing an accused contacting the victim, when deciding whether to make an NHO following conviction.

Member's bill

It is also worth noting that the [Prevention of Domestic Abuse \(Scotland\) Bill](#) (introduced by Pam Gosal MSP in May 2025) includes provisions which would:

- introduce notification requirements for people convicted of domestic abuse (similar to requirements already placed on sex offenders), with the aim of supporting the monitoring of offenders
- require consideration of whether a person convicted of domestic abuse is a suitable candidate to take part in rehabilitation programmes.

Frazer McCallum

Senior Researcher

9 October 2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot.

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written submissions

Scottish Government written submission, 8 October 2025

PE2182/A: Review the Domestic Abuse (Scotland) Act and introduce a minimum sentence for severe offences

Does the Scottish Government consider the specific asks of the petition to be practical or achievable?

Although the summary of the petition calls for “a review of the definition of domestic abuse”, the substance of the petition does not appear to include any information as to what may be sought in this regard. The information provided therefore focuses on the call for mandatory minimum sentences for severe domestic abuse offences also made in the petition.

With certain limited exceptions, it is long-standing policy for sentencing in Scottish criminal courts to give discretion to the court to decide a sentence based on the facts and circumstances of a case. The penalties available for almost all offences are generally provided up to a maximum, but with no minimum sentence required. This gives greatest discretion and flexibility to the independent court when sentencing.

Within this context, the Scottish Government would offer the following views on the call made for minimum mandatory sentences in the petition -

- The independent court is best placed to determine the appropriate sentence having regard to the individual facts and circumstances of each case.
- Establishing minimum sentencing would remove discretion from the court and mean the court was unable to apply full discretion when sentencing after considering the full facts and circumstances of a case.
- The maximum penalty for the offence of domestic abuse under the Domestic Abuse (Scotland) Act 2018 is 14 years.
- Different courts have different sentencing powers and the maximum sentence that a sheriff can impose in domestic abuse indictment cases (the most serious way to prosecute a case) in the sheriff court is 5 years' imprisonment; and in the High Court it is 14 years imprisonment (this being the overall maximum).
- Generally, what level of court criminal proceedings are raised in is a matter for the independent Crown Office and Procurator Fiscal Service (COPFS), who prosecute criminal cases, unless set by law.
- However, if upon conviction for a crime on indictment, a sheriff considers that the sentence they are able to impose is inadequate, there is a power within legislation to remit the matter to the High Court for sentencing by a judge.
- Whether this applies in any given case is a matter for the independent sheriff.

- Importantly, as part of the checks and balances within our criminal justice system, the independent COPFS can appeal against a sentence if they consider it is unduly lenient.
- This is a further safeguard where the appeal court can be asked to re-assess a sentence using their discretion and considering the facts and circumstances of a case.
- Crown Counsel (who are the most senior lawyers in Crown Office) will give careful consideration as to whether a sentence was unduly lenient or if the sentence imposed is within the range available to the judge in the exercise of their normal judicial discretion.
- This means there are protections in place to guard against sentences which, as a matter of law, are considered too lenient.

What, if any, action the Scottish Government is currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the asks of this petition?

We acknowledge the importance of appropriate and effective sentencing in domestic abuse cases. We consider this is best done through the independent court to sentence based on the facts and circumstances of a case. However, in order to assist the independent court, we believe it is important that they can be offered guidance on how best to sentence in domestic abuse cases. That is why the Scottish Government supports the work of the independent Scottish Sentencing Council currently underway to review disposal range(s) for persons convicted of offences of domestic abuse. This is outlined in more detail below, where work is currently ongoing by the Council in this area.

Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

The Committee may wish to note the role, and ongoing work, of the Scottish Sentencing Council in the area of domestic abuse.

The Scottish Sentencing Council, which is independent from the Scottish Government, has statutory functions to:

- Promote consistency in sentencing practice;
- Assist the development of policy in relation to sentencing; and
- Promote greater awareness and understanding of sentencing policy and practice.

One of the primary ways in which the Council fulfils its statutory functions is through the development of sentencing guidelines. Sentencing guidelines can be general and apply to all offences or they may focus on a particular type of offence or category of person who has offended. Any guidelines developed by the Council must be approved by the High Court before they have effect.

Sentencing guidelines are important because judges have to take them into account when sentencing offenders in a relevant case. This will help to ensure sentences are consistent, fair and proportionate. If the court does not follow a guideline in a case where the guideline applies they must give reasons.

A full list of guidelines, both currently in force and under development, can be found here: <https://www.scottishsentencingcouncil.org.uk/sentencing-guidelines>

Relevant to the present Petition, the Council is currently developing a sentencing guideline in relation to domestic abuse.

The Council is currently seeking the views of judges (stage 3 of an 8 stage guideline development process). The next stage is for the Council to conduct a full public consultation on the proposed guideline. Accordingly, the Petitioner and others may feed into this area through participation in a public consultation in due course.

It might be helpful to share the link to the consultation hub of the Council's website for the Petitioner/Committee's ease of reference, which can be found here: [Scottish Sentencing Council - Citizen Space](#)

Criminal Justice Division

Petitioner written submission, 4 November 2025

PE2182/B: Review the Domestic Abuse (Scotland) Act and introduce a minimum sentence for severe offences

I am writing in response to the Scottish Government's reply to our petition calling for a review of the Domestic Abuse (Scotland) Act and the introduction of minimum sentencing for severe offences. More specifically, the response to our proposal to introduction of minimum sentencing for severe offences.

While I acknowledge the Government's commitment to judicial independence and its support for the Scottish Sentencing Council's ongoing work, I must respectfully challenge the assertion that current measures are sufficient to address the scale and severity of domestic abuse in Scotland.

The Scottish Government maintains that sentencing is best left to the discretion of the independent court, which can consider the facts and circumstances of each case. However, the available data clearly demonstrates that this discretion is not resulting in consistent or adequate accountability for perpetrators.

According to criminal proceedings data published by the Scottish Government in December 2024, only 763 people were convicted in 2022–23 under the Domestic Abuse (Scotland) Act 2018. Of those:

- 66% received community sentences
- 15% received custodial sentences
- 12% received financial penalties
- 8% received other outcomes, such as admonishment

In contrast, Police Scotland recorded 61,934 incidents of domestic abuse during the same period. The most common offences were common assault (32%) and threatening and abusive behaviour (21%). This means that only around 1.23% of incidents resulted in a conviction under the 2018 Act.

Furthermore, in 2022–23, 83% of domestic abuse victims were women, and 81% of incidents involved a male perpetrator and a female victim - <https://womensaid.scot/information-support/domesticabuse-statistics-scotland/>

To illustrate the broader scale of violence against women, the Scottish Government's own homicide statistics show that 38% of female homicide victims were killed by a partner or ex-partner in 2023–24 - <https://www.gov.scot/publications/homicide-scotland-2023-24/documents/>

These figures are not just statistics. They represent lives devastated by abuse and a justice system that is failing to respond with the seriousness these crimes demand.

Sentencing guidelines, while useful, are advisory, not binding. Introducing minimum sentences would establish a clear baseline of accountability, while still allowing judges to apply discretion within a defined range. This approach preserves judicial independence while ensuring consistency and fairness. It also promotes impartiality by helping to mitigate the influence of personal bias in the judicial consideration of such offences.

The Government's reliance on appeal mechanisms to address unduly lenient sentences is reactive and insufficient. And places an additional emotional burden on victims, forcing them to wait yet again for justice and delaying their ability to move forward with their lives.

Introducing minimum sentencing or minimum sentencing guidance, would send a clear and unequivocal message that domestic abuse is a serious crime with serious consequences. It would affirm Scotland's commitment to protecting women and children and strengthen public confidence in the justice system.

I would be interesting to hear what measures the Scottish Government could propose as a counter to the petition.

Finally, I wish to respectfully highlight that, based on the available information, the committee members due to discuss this petition at the next meeting appear to be male. Given the gendered nature of domestic abuse, it is vital that women are meaningfully involved in these conversations. Their lived experiences and perspectives are essential to shaping effective and empathetic policy.

Thank you for your time and consideration.