



Civil Partnership Act 2004

2004 CHAPTER 33

PART 3

CIVIL PARTNERSHIP: SCOTLAND

CHAPTER 4

INTERDICTS

114 Attachment of powers of arrest to relevant interdicts

- (1) Subject to subsection (2), the court is, on the application of an applicant civil partner, to attach a power of arrest—
 - (a) to any relevant interdict which is ancillary to an exclusion order (including an interim order under section 104(6));
 - (b) to any other relevant interdict where the non-applicant civil partner has had the opportunity of being heard by or represented before the court, unless it appears to the court that in all the circumstances of the case such a power is unnecessary.
- (2) The court may attach a power of arrest to an interdict by virtue of subsection (1) only if satisfied that attaching the power would not result in the non-applicant civil partner being subject, in relation to the interdict, to a power of arrest under both this Chapter and the Protection from Abuse (Scotland) Act 2001 ([asp 14](#)).
- (3) A power of arrest attached to an interdict by virtue of subsection (1) does not have effect until such interdict together with the attached power of arrest is served on the non-applicant civil partner; and such a power of arrest, unless previously recalled, ceases to have effect upon the dissolution of the civil partnership.
- (4) If, by virtue of subsection (1), a power of arrest is attached to an interdict, a constable may arrest without warrant the non-applicant civil partner if the constable has reasonable cause for suspecting that civil partner of being in breach of the interdict.

Status: This is the original version (as it was originally enacted).

- (5) If, by virtue of subsection (1), a power of arrest is attached to an interdict, the applicant civil partner is, as soon as possible after service of the interdict, to ensure that there is delivered—
- (a) to the chief constable of the police area in which the family home is situated, and
 - (b) if the applicant civil partner resides in another police area, to the chief constable of that other police area,
- a copy of the application for the interdict and of the interlocutor granting the interdict together with a certificate of service of the interdict and, where the application to attach the power of arrest to the interdict was made after the interdict was granted, a copy of that application and of the interlocutor granting it and a certificate of service of the interdict together with the attached power of arrest.
- (6) Where any relevant interdict to which, by virtue of subsection (1), there is attached a power of arrest, is varied or recalled, the civil partner who applied for the variation or recall is to ensure that there is delivered—
- (a) to the chief constable of the police area in which the family home is situated, and
 - (b) if the applicant civil partner resides in another police area, to the chief constable of that other police area,
- a copy of the application for variation or recall and of the interlocutor granting the variation or recall.
- (7) In this section and in sections 115 and 116—
- “applicant civil partner” means the civil partner who has applied for the interdict, and
 - “non-applicant civil partner” is to be construed accordingly.