



# Protection from Abuse (Scotland) Act 2001

2001 asp 14

## 2 Duration, extension and recall

- (1) A power of arrest comes into effect only when it has been served on the interdicted person along with such documents as may be prescribed.
- (2) A power of arrest ceases to have effect—
  - (a) on the date of expiry specified by the court;
  - (b) when it is recalled by the court; or
  - (c) when the interdict to which the power is attached is varied or recalled, whichever is the earliest.
- (3) The duration of a power of arrest must, on the application of the person who obtained it, be extended by the court, if satisfied that—
  - (a) the interdicted person has been given an opportunity to be heard by, or represented before, the court; and
  - (b) the extension is necessary to protect the applicant from a risk of abuse in breach of the interdict.
- (4) The court, on extending the duration of a power of arrest, must specify a new date of expiry for the power, being a date not later than three years after the date when the extension is granted.
- (5) Where the duration of a power of arrest has been extended—
  - (a) the extension comes into effect only when it has been served on the interdicted person along with such documents as may be prescribed; and
  - (b) subsection (2) applies as if the date referred to in paragraph (a) of that subsection were the new date of expiry specified by the court in granting the extension.
- (6) Subsections (3), (4) and (5) apply to further extensions as they apply to an initial extension.
- (7) A power of arrest must be recalled by the court if —
  - (a) the person who obtained it applies for recall; or

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**Changes to legislation:** *There are currently no known outstanding effects for the Protection from Abuse (Scotland) Act 2001, Section 2. (See end of Document for details)*

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- (b) the interdicted person applies for recall and the court is satisfied that—
  - (i) the person who obtained the power has been given an opportunity to be heard by, or represented before, the court; and
  - (ii) the power is no longer necessary to protect that person from a risk of abuse in breach of the interdict.

**Changes to legislation:**

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