



# Domestic Abuse (Scotland) Act 2011

## 2011 asp 13

### *Breach of domestic abuse interdict with power of arrest*

#### **2 Breach of domestic abuse interdict with power of arrest** **S**

- (1) This section applies where—
  - (a) on or after the date on which this section comes into force, an interdict is granted against a person,
  - (b) a determination has been made under section 3(1) that the interdict is a domestic abuse interdict,
  - (c) that determination is in effect,
  - (d) a power of arrest is attached to the interdict under section 1(1A) or (2) of the Protection from Abuse (Scotland) Act 2001 (asp 14), and
  - (e) that power of arrest is in effect.
- (2) A person who breaches an interdict to which this section applies is guilty of an offence.
- (3) A person guilty of an offence under subsection (2) is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum or to both,
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine or to both.
- (4) Following conviction, a breach of an interdict to which this section applies is not punishable other than in accordance with subsection (3).
- (5) Where a person is convicted of an offence under this section in respect of any conduct, that conduct is not punishable as a contempt of court.
- (6) A person cannot be convicted of an offence under this section in respect of any conduct which has been punished as a contempt of court.
- (7) In this section and section 3, “interdict” includes interim interdict.

**Changes to legislation:**

There are currently no known outstanding effects for the Domestic Abuse (Scotland) Act 2011, Section 2.