



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

- (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.