



Domestic Abuse (Scotland) Act 2011

2011 asp 13

Breach of domestic abuse interdict with power of arrest

3 Determination as to whether an interdict is a domestic abuse interdict

- (1) A person who is applying for, or who has obtained, an interdict may apply to the court for a determination that the interdict is a domestic abuse interdict.
- (2) The court may make the determination if satisfied that the interdict is, or is to be, granted for the protection of the applicant against a person who is (or was)—
 - (a) the applicant's spouse,
 - (b) the applicant's civil partner,
 - (c) living with the applicant as if they were husband and wife or civil partners, or
 - (d) in an intimate personal relationship with the applicant.
- (3) Before making a determination under subsection (1), the court must give the person against whom the interdict is, or is to be, granted ("A") an opportunity to make representations.
- (4) A determination under subsection (1) is of no effect for the purposes of section 2 until a copy of the interlocutor containing the determination has been served on A.
- (5) Where a court varies an interdict in relation to which a determination under subsection (1) is in effect, the court must—
 - (a) review whether the interdict as varied continues to be a domestic abuse interdict, and
 - (b) if not, recall the determination.
- (6) A determination under subsection (1) ceases to have effect for the purposes of section 2 if it is recalled under subsection (5).