

*These notes relate to the Domestic Abuse (Protection) (Scotland)
Act 2021 (asp 16) which received Royal Assent on 5 May 2021*

DOMESTIC ABUSE (PROTECTION) (SCOTLAND) ACT 2021

EXPLANATORY NOTES

THE ACT

Part 1 – Domestic abuse protection notices and orders

Persons to whom, and behaviour to which, notices and orders may relate

Section 1 – Persons to whom domestic abuse protection notices and orders may relate

6. Section 1 describes who can be protected by the operation of domestic abuse protection notices (DAPNs) and domestic abuse protection orders (DAPOs) as well as describing the persons against whom such notices and orders may be made. The person who is protected is person B and the person against whom the DAPN or DAPO is imposed is person A.
7. Section 1(1)(a) provides that person A must be at least 18 years old.
8. Section 1(1)(b) provides that person B must be at least 16 years old. In addition, person B must be the partner or ex-partner of person A and person A must live with person B some or all of the time. The DAPN or DAPO must be for the purpose of protecting person B from abusive behaviour by person A.
9. Section 1(2) provides a definition of partner. Person A and person B are partners if they are each other's spouse or civil partner or in an intimate personal relationship with each other. Former relationships of the specified types are covered in addition to current relationships.
10. The phrase "intimate personal relationship" is intended to cover relationships between boyfriends and girlfriends (including same-sex and non-binary relationships), although the relationship need not be sexual. Other family relationships and other types of relationship (e.g. between friends or business partners or work colleagues) are not covered.
11. Section 1(4) provides that the reference to person A living with person B at section 1(1)(b)(ii) is a reference to those persons living together at the same time in any place where either person A or person B live, to any extent. As such, it applies regardless of whether the place where they are living together is the principal home of person A, person B, or both or neither of those persons.