Domestic Abuse (Protection) (Scotland) Act 2021

2021 asp 16

PART 1

DOMESTIC ABUSE PROTECTION NOTICES AND ORDERS

Domestic abuse protection orders

10 Interim domestic abuse protection order

(1) The sheriff may make an interim domestic abuse protection order (an "interim order") pending determination of an application under section 8(1).

(2) The sheriff may make an interim order only if the sheriff considers, on the balance of convenience, that it is just to do so.

(3) In deciding whether it is, on the balance of convenience, just, the sheriff must have regard to all the circumstances, including any risk that, if an interim order is not made, person A will cause harm to person B.

(4) An interim order may do anything which a domestic abuse protection order could do (see section 9(1) to (4)).

(5) The sheriff may make an interim order—

(a) even if person A or person B has not been given such notice of the proceedings as is required by section 11(5) or rules of court,

(b) without giving person A or person B an opportunity to make representations about the interim order,

(c) without the consent of person B.

(6) If the sheriff makes an interim order in the circumstances described in subsection (5)(a) or (b), the sheriff must hold a hearing in relation to the application under section 8(1) as soon as reasonably practicable.

(7) An interim order—

(a) has effect for such period not exceeding three weeks as is specified in the order,

(b) ceases to have effect, if it has not already done so, on the determination of the application under section 8(1).

(8) In sections 12 to 14, a reference to a domestic abuse protection order includes a reference to an interim order.