



# Domestic Abuse (Protection) (Scotland) Act 2021

2021 asp 16

## PART 1

### DOMESTIC ABUSE PROTECTION NOTICES AND ORDERS

#### *Domestic abuse protection orders*

PROSPECTIVE

#### **11 Hearing to be held where domestic abuse protection notice has been given**

- (1) This section applies in relation to an application made under section 8(1)(a) (following a domestic abuse protection notice being given to person A).
- (2) The application must be made not later than the first court day after the day on which the notice is given.
- (3) The sheriff must hold a hearing in relation to the application not later than the first court day after the day on which the application is made.
- (4) The hearing must be concluded on the day on which it begins.
- (5) The chief constable must—
  - (a) give person A notice of the hearing by—
    - (i) leaving it at an address given to a constable by person A (whether given in accordance with section 5(3) or 6(5) or otherwise in connection with the giving of notice under this subsection), or
    - (ii) giving it to person A on person A attending a police station in accordance with section 5(3) or otherwise delivering it to person A personally,
  - (b) give person B notice of the hearing by—
    - (i) leaving it at the address at which person B usually resides, or
    - (ii) delivering it to person B personally.

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse (Protection) (Scotland) Act 2021, Section 11. (See end of Document for details)*

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- (6) But the sheriff must hold the hearing even if notice is not given in accordance with subsection (5).
- (7) At the hearing, the sheriff may—
  - (a) determine the application (but see section 8(6)),
  - (b) make an interim domestic abuse protection order (an “interim order”), or
  - (c) continue the proceedings without determining the application or making an interim order.
- (8) The sheriff may not make an interim order or a domestic abuse protection order before the hearing is held.
- (9) The domestic abuse protection notice ceases to have effect—
  - (a) if the sheriff makes a domestic abuse protection order or an interim order at the hearing, when the sheriff makes the order,
  - (b) otherwise, when the hearing ends.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Domestic Abuse (Protection) (Scotland) Act 2021, Section 11.