



Domestic Abuse (Protection) (Scotland) Act 2021

2021 asp 16

PART 1

DOMESTIC ABUSE PROTECTION NOTICES AND ORDERS

Domestic abuse protection orders

- 13 Extension, variation or discharge of order: further provision**
- (1) On an application under section 12(1) to extend a domestic abuse protection order, the sheriff—
- (a) may extend the order only if satisfied that it is necessary to do so,
 - (b) must—
 - (i) vary the order so as to remove any requirement or prohibition which the sheriff is satisfied is no longer necessary,
 - (ii) discharge the order if satisfied that the order is no longer necessary.
- (2) A domestic abuse protection order may—
- (a) be extended for—
 - (i) in the case of an order made under section 8(2), such period not exceeding one month as the sheriff may specify,
 - (ii) in the case of an interim domestic abuse protection order, such period as the sheriff may specify,
 - (b) be extended on more than one occasion.
- (3) But the maximum period for which the order may have effect, including any period for which it is extended, is—
- (a) in the case of an interim order, three weeks,
 - (b) otherwise, three months.
- (4) On an application under section 12(1) to vary a domestic abuse protection order, the sheriff—

Status: Prospective version(s) available.

Status: This is the original version (as it was originally enacted).

- (a) may vary the order so as to add a requirement or prohibition only if satisfied that it is necessary to do so,
 - (b) must—
 - (i) vary the order so as to remove any requirement or prohibition which the sheriff is satisfied is no longer necessary,
 - (ii) discharge the order if satisfied that the order is no longer necessary.
- (5) On an application under section 12(1) to discharge a domestic abuse protection order, the sheriff must—
- (a) discharge the order if satisfied that the order is no longer necessary,
 - (b) if the sheriff does not discharge the order, vary the order so as to remove any requirement or prohibition which the sheriff is satisfied is no longer necessary.
- (6) The sheriff may extend, vary or discharge a domestic abuse protection order without the consent of person B (but see section 12(4)).
- (7) In this section, “necessary” means necessary for the purpose of protecting person B from abusive behaviour by person A.