



# Domestic Abuse (Protection) (Scotland) Act 2021

2021 asp 16

## PART 1

### DOMESTIC ABUSE PROTECTION NOTICES AND ORDERS

#### *Domestic abuse protection orders*

#### **15 Jurisdiction and competence**

- (1) The sheriff to whom an application under section 8(1) or 12(1) is to be made is to be determined in accordance with this section.
- (2) An application under—
  - (a) section 8(1) may be made to a sheriff in whose sheriffdom person A or person B is ordinarily resident,
  - (b) section 12(1) may be made to a sheriff of the same sheriffdom as the sheriff who considered the application for a domestic abuse protection order which resulted (whether or not after appeal) in the making of the domestic abuse protection order or interim domestic abuse protection order to which the application under section 12(1) relates.
- (3) Subsections (4) to (6) apply with respect to proceedings relating to an application made in accordance with this section.
- (4) A sheriff before whom the proceedings are brought may make an order transferring the proceedings to a sheriff of another sheriffdom if satisfied that it would be more appropriate for the proceedings to be dealt with by a sheriff of the other sheriffdom.
- (5) A sheriff may make an order under subsection (4)—
  - (a) on the application of a party to the proceedings, or
  - (b) on the sheriff's own initiative.
- (6) Where an order is made under subsection (4), a sheriff of the sheriffdom to which the proceedings are to be transferred has jurisdiction and competence to consider and determine the proceedings.

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*Status: Prospective version(s) available.*

*Status: This is the original version (as it was originally enacted).*

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- (7) This section does not affect any power that a sheriff has to decline jurisdiction in any case.
- (8) In schedule 1 of the Courts Reform (Scotland) Act 2014 (civil proceedings, etc. in relation to which summary sheriff has competence), in paragraph 2, after subparagraph (f) insert—
- “(g) a domestic abuse protection order under section 8(2) of the Domestic Abuse (Protection) (Scotland) Act 2021,
  - (h) an interim domestic abuse protection order under section 10(1) of that Act.”.