



# Domestic Abuse (Protection) (Scotland) Act 2021

2021 asp 16

## PART 1 **S**

### DOMESTIC ABUSE PROTECTION NOTICES AND ORDERS

#### *Domestic abuse protection notices*

PROSPECTIVE

#### **4 Making of domestic abuse protection notice **S****

- (1) A senior constable may make a domestic abuse protection notice in relation to person A if the constable has reasonable grounds for believing that—
  - (a) person A has engaged in behaviour which is abusive of person B,
  - (b) it is necessary for a domestic abuse protection order to be made for the purpose of protecting person B from abusive behaviour by person A, and
  - (c) there is a risk of person A engaging in further behaviour which is abusive of person B immediately and it is necessary to make the notice for the purpose of protecting person B from that behaviour.
- (2) In subsection (1)(c), “immediately” means in the period before the sheriff can make an interim domestic abuse protection order or a domestic abuse protection order.
- (3) It does not matter whether the abusive behaviour referred to in subsection (1)(a) took place in Scotland or elsewhere.
- (4) Before making a domestic abuse protection notice in relation to person A, the senior constable must—
  - (a) take such steps as are reasonable in the circumstances—
    - (i) to establish whether person A has any views in relation to the notice which person A wishes to be taken into account, and if so, to obtain those views,

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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 4. (See end of Document for details)*

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- (ii) to establish whether person B has any views in relation to the notice which person B wishes to be taken into account, and if so, to obtain those views, and
  - (b) take into account—
    - (i) any views of which the senior constable becomes aware as a result of paragraph (a), and
    - (ii) the welfare of any child whose interests the senior constable considers to be relevant to the making of the notice.
- (5) A domestic abuse protection notice may be made without the consent of person B.

**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 4.