



Domestic Abuse (Protection) (Scotland) Act 2021

2021 asp 16

PART 1

DOMESTIC ABUSE PROTECTION NOTICES AND ORDERS

Domestic abuse protection notices

5 Content and effect of notice

- (1) A domestic abuse protection notice is a notice which does one or more of the following—
 - (a) requires person A to leave any place where person B lives (whether or not it is also a place where person A lives, and even if it is person A's only or main place of residence),
 - (b) requires person A to surrender keys to any such place,
 - (c) prohibits person A from entering any such place,
 - (d) prohibits person A from coming within such distance of any such place as is specified in the notice,
 - (e) prohibits person A from excluding person B from any such place,
 - (f) prohibits person A from approaching or contacting, or attempting to approach or contact, person B,
 - (g) prohibits person A from approaching or contacting, or attempting to approach or contact, any child usually residing with person B.
- (2) The notice may impose a requirement or prohibition mentioned in [subsection \(1\)](#) only if the senior constable who makes the notice considers it necessary for the purpose of protecting person B from abusive behaviour by person A.
- (3) The notice may also require person A—
 - (a) at the time the notice is delivered to person A under section 6(4), to either—
 - (i) provide the constable delivering the notice with an address at which person A may be given notice of the hearing to be held in accordance with section 11(3), or

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- (ii) undertake to provide such an address to a constable by a specified time or to attend a specified police station at a specified time for the purpose of being given notice of the hearing, and
 - (b) to comply with any such undertaking.
- (4) The notice—
 - (a) takes effect when it is given to person A in accordance with section 6(4) (except that the requirement mentioned in subsection (3) takes effect only if and when person A fails to provide an address in response to a request under section 6(5)),
 - (b) ceases to have effect in accordance with section 11(9).
- (5) In subsection (3)(a)(ii), “specified” means specified by the constable delivering the notice to person A under section 6(4).