



# Domestic Abuse (Protection) (Scotland) Act 2021

2021 asp 16

## PART 1

### DOMESTIC ABUSE PROTECTION NOTICES AND ORDERS

#### *Domestic abuse protection notices*

PROSPECTIVE

#### **6 Further requirements in relation to notice**

- (1) A domestic abuse protection notice must be in writing.
- (2) A domestic abuse protection notice made in relation to person A must, in addition to stating each requirement and prohibition imposed by it, state that—
  - (a) the senior constable who made the notice has reasonable grounds for believing that—
    - (i) person A has engaged in behaviour which is abusive of person B,
    - (ii) 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
    - (iii) 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,
  - (b) person A commits an offence if person A without reasonable excuse—
    - (i) fails to do something which person A is required to do by the notice, or
    - (ii) does anything which person A is prohibited from doing by the notice,
  - (c) an application for a domestic abuse protection order under section 8(1)(a) will be made to the sheriff not later than the first court day after the day on which the notice is given to person A,

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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 6. (See end of Document for details)*

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- (d) a hearing will be held in accordance with section 11(3) in relation to the application not later than the first court day after the day on which the application is made,
  - (e) person A will be given notice of the hearing,
  - (f) the domestic abuse protection notice ceases to have effect—
    - (i) if the sheriff makes a domestic abuse protection order or an interim domestic abuse protection order at the hearing, when the sheriff makes the order,
    - (ii) otherwise, when the hearing ends,
  - (g) the domestic abuse protection order may impose such requirements and prohibitions as the sheriff considers necessary for the purpose of protecting person B from abusive behaviour by person A.
- (3) In subsection (2)(a)(iii), “immediately” has the meaning given by section 4(2).
- (4) The domestic abuse protection notice must be given to person A by being delivered personally by a constable.
- (5) On giving the notice, the constable must ask person A for an address at which person A may be given notice of the hearing to be held in accordance with section 11(3).

**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 6.