Domestic Abuse (Protection) (Scotland) Act 2021

2021 asp 16

PART 1

DOMESTIC ABUSE PROTECTION NOTICES AND ORDERS

Domestic abuse protection orders

11   Hearing to be held where domestic abuse protection notice has been given

(1) This section applies in relation to an application made under section 8(1)(a) (following a domestic abuse protection notice being given to person A).

(2) The application must be made not later than the first court day after the day on which the notice is given.

(3) The sheriff must hold a hearing in relation to the application not later than the first court day after the day on which the application is made.

(4) The hearing must be concluded on the day on which it begins.

(5) The chief constable must—

    (a)   give person A notice of the hearing by—

          (i) leaving it at an address given to a constable by person A (whether given in accordance with section 5(3) or 6(5) or otherwise in connection with the giving of notice under this subsection), or

          (ii) giving it to person A on person A attending a police station in accordance with section 5(3) or otherwise delivering it to person A personally,

    (b)   give person B notice of the hearing by—

          (i) leaving it at the address at which person B usually resides, or

          (ii) delivering it to person B personally.

(6) But the sheriff must hold the hearing even if notice is not given in accordance with subsection (5).

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(7) At the hearing, the sheriff may—

    (a)   determine the application (but see section 8(6)),

    (b)   make an interim domestic abuse protection order (an "interim order"), or

    (c)   continue the proceedings without determining the application or making an interim order.

(8) The sheriff may not make an interim order or a domestic abuse protection order before the hearing is held.

(9) The domestic abuse protection notice ceases to have effect—

    (a)   if the sheriff makes a domestic abuse protection order or an interim order at the hearing, when the sheriff makes the order,

    (b)   otherwise, when the hearing ends.