



# Domestic Abuse (Protection) (Scotland) Act 2021

2021 asp 16

## PART 1

### DOMESTIC ABUSE PROTECTION NOTICES AND ORDERS

#### *Domestic abuse protection orders*

#### **16 Effect of making of appeal on decision appealed against**

- (1) A decision of a sheriff mentioned in subsection (2) is, for the purposes of section 110 of the Courts Reform (Scotland) Act 2014 (the “2014 Act”), a decision constituting final judgment in civil proceedings.
- (2) The decisions referred to in subsection (1) are—
  - (a) a decision to make, or refuse to make, a domestic abuse protection order,
  - (b) a decision to extend, vary or discharge, or refuse to extend, vary or discharge, a domestic abuse protection order.
- (3) Subsection (5) applies where a decision mentioned in subsection (4) is appealed against under section 110 of the 2014 Act.
- (4) The decisions referred to in subsection (3) are—
  - (a) a decision mentioned in subsection (2),
  - (b) a decision to make, or refuse to make, an interim domestic abuse protection order,
  - (c) a decision to extend, vary or discharge, or refuse to extend, vary or discharge, an interim domestic abuse protection order,
  - (d) a decision to extend or vary, or refuse to extend or vary, on an interim basis a domestic abuse protection order or an interim domestic abuse protection order.
- (5) The decision appealed against continues in effect until the appeal is disposed of, unless suspended by—
  - (a) the Sheriff Appeal Court, or

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**Status:** Prospective version(s) available.

**Status:** This is the original version (as it was originally enacted).

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- (b) where the appeal is remitted to the Court of Session under section 112 of the 2014 Act—
    - (i) the Sheriff Appeal Court, or
    - (ii) the Court of Session.
- (6) Subsection (7) applies where a decision of the Sheriff Appeal Court in an appeal under section 110 of the 2014 Act against a decision mentioned in subsection (4) is appealed against under section 113 of that Act.
- (7) The decision appealed against continues in effect until the appeal is disposed of, unless suspended by—
  - (a) the Sheriff Appeal Court, or
  - (b) the Court of Session.
- (8) But where the decision appealed against under section 113 of the 2014 Act is a decision to remit the case back to the sheriff, the sheriff may not take any further action in the case until the appeal under that section is disposed of.