



Criminal Procedure (Scotland) Act 1995

1995 CHAPTER 46

PART XI

SENTENCING

[^{F1}European Protection Orders

[^{F1}254B. Issuing of a European Protection Order

- (1) A protected person, or an authorised representative of such a person, may apply to a court for a European Protection Order.
- (2) A court may issue a European Protection Order in respect of a protected person if the court is satisfied that—
 - (a) a protection measure which has been taken in Scotland is in force; and
 - (b) the protected person—
 - (i) resides or stays in the executing state, or
 - (ii) has decided to reside or stay in the executing state.
- (3) In deciding whether to issue a European Protection Order, the court must take into account—
 - (a) the period or periods of time during which the protected person intends to reside or stay in the executing state; and
 - (b) the seriousness of the need for protection of the protected person.
- (4) Where the court decides not to issue a European Protection Order, the court must inform the protected person of that decision.
- (5) Where a court issues a European Protection Order under subsection (2) the court must, as soon as reasonably practicable, transmit the European Protection Order to the competent authority of the executing state.

Status: Point in time view as at 06/11/2019. This version of this provision has been superseded.

Changes to legislation: Criminal Procedure (Scotland) Act 1995, Section 254B is up to date with all changes known to be in force on or before 29 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) Where a European Protection Order has been issued by a court under subsection (2) and the court subsequently modifies or revokes the protection measure on which it is based, the court must, as soon as reasonably practicable—
- (a) modify or revoke the European Protection Order accordingly; and
 - (b) inform the competent authority of the executing state of that decision.
- (7) For the purposes of this section—
- “court” means the High Court [^{F2}, the Sheriff Appeal Court], a sheriff or a justice of the peace court; and
- “executing state” means a member state of the European Union, other than the United Kingdom in which the protected person resides, stays, or intends to reside or stay.]

Textual Amendments

- F1** Ss. 254A-254E and cross-heading inserted (11.3.2015) by [The European Protection Order \(Scotland\) Regulations 2015 \(S.S.I. 2015/107\)](#), regs. 1(2), **2(2)**
- F2** Words in s. 254B(7) inserted (22.9.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions No. 2\) Order 2015 \(S.S.I. 2015/338\)](#), art. 1, **sch. 2 para. 5(9)** (with art. 4)

Status:

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