



Domestic Abuse Act 2021

2021 CHAPTER 17

PART 3

POWERS FOR DEALING WITH DOMESTIC ABUSE

Domestic abuse protection orders

PROSPECTIVE

47 Further provision about appeals

- (1) Before determining any appeal relating to a domestic abuse protection order (whether or not an appeal under section 46), the court must hear from any relevant chief officer of police who wishes to be heard.
- (2) For the purposes of subsection (1) each of the following is a “relevant chief officer of police”—
 - (a) where the order was made on an application by a chief officer of police, that chief officer;
 - (b) the chief officer of police of the force maintained for any police area in which the person (“P”) against whom the order was made, or (in the case of an appeal against the decision of a court not to make an order under section 28) against whom it was sought, resides;
 - (c) the chief officer of police of any other force maintained for a police area who believes that P is in that police area or is intending to come to it.
- (3) Subsection (4) applies to—
 - (a) an appeal made to the Crown Court by virtue of section 46(7)(a);
 - (b) an appeal made to the Court of Appeal by virtue of section 46(7)(b).
- (4) On an appeal to which this subsection applies, the court may, on a review of the decision appealed against—
 - (a) confirm, vary or revoke any part of the decision;

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse Act 2021, Section 47. (See end of Document for details)

- (b) refer the matter back to the court that made the decision with a direction to reconsider and make a new decision in accordance with its ruling;
 - (c) make any order which the court that made the decision appealed against could have made;
 - (d) make any incidental or consequential orders that appear to it to be just.
- (5) For the purposes of section 45 (variation and discharge: supplementary)—
- (a) a domestic abuse protection order that has been confirmed or varied on an appeal (whether under subsection (4)(a) or otherwise) remains an order of the court that first made it, and
 - (b) a domestic abuse protection order made by a court on an appeal (whether under subsection (4)(c) or otherwise) is to be treated as an order made by the court whose decision was appealed against.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Domestic Abuse Act 2021, Section 47.