

*These notes relate to the Domestic Abuse (Protection) (Scotland)
Act 2021 (asp 16) which received Royal Assent on 5 May 2021*

DOMESTIC ABUSE (PROTECTION) (SCOTLAND) ACT 2021

EXPLANATORY NOTES

THE ACT

Part 1 – Domestic abuse protection notices and orders

Relationship with orders regulating contact and residence

Section 19 – Relationship of notice or order with order regulating contact or residence

131. Section 19(a) provides, for the avoidance of doubt, that provision in any order regulating contact with, or residence of, a child does not limit the requirements or prohibitions that may be imposed in a DAPN or DAPO. As such, the fact that a person against whom a DAPN or DAPO is made has, for example, a contact order in relation to a child does not prevent provision being made in a DAPN or DAPO to prohibit that person from approaching or contacting the child if the senior constable or sheriff considers that it is necessary to make such provision for the purpose of protecting person B.
132. Section 19(b) provides, further to the provision at section 19(a) and again for the avoidance of doubt, that the existence of such an order entitling a person to do something such as maintain contact with a child, is not a defence to a charge of breaching a DAPN or DAPO.