



Domestic Abuse (Protection) (Scotland) Act 2021

2021 asp 16

PART 1

DOMESTIC ABUSE PROTECTION NOTICES AND ORDERS

Domestic abuse protection orders

PROSPECTIVE

14 Interim extension or variation of order

- (1) The sheriff may, on an application under section 12(1) to extend or vary a domestic abuse protection order, extend or (as the case may be) vary the order on an interim basis pending determination of the application.
- (2) The sheriff may extend or vary the order under subsection (1) only if the sheriff considers, on the balance of convenience, that it is just to do so.
- (3) In deciding whether it is, on the balance of convenience, just, the sheriff must have regard to all the circumstances including any risk that—
 - (a) if the order is not extended or (as the case may be) varied on an interim basis, person A will cause harm to person B,
 - (b) in the case of an application to vary an order, if the order is varied on an interim basis, person A will cause harm to person B before the application is determined.
- (4) The sheriff may extend or vary the order on an interim basis—
 - (a) even if the chief constable, person A or person B has not been given such notice of the proceedings as is required by rules of court,
 - (b) without giving the chief constable, person A or person B the opportunity to make representations about the interim extension or (as the case may be) variation of the order,
 - (c) without the consent of person B.

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Domestic Abuse (Protection) (Scotland) Act 2021, Section 14. (See end of Document for details)

- (5) If the sheriff extends or varies the order on an interim basis in the circumstances described in subsection (4)(a) or (b), the sheriff must hold a hearing in relation to the application under section 12(1) as soon as reasonably practicable.
- (6) The extension or variation of an order on an interim basis—
- (a) has effect for such period as is specified by the sheriff (but see also section 13(3)),
 - (b) ceases to have effect, if it has not already done so, on the determination of the application under section 12(1).

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Domestic Abuse (Protection) (Scotland) Act 2021, Section 14.