



# Protection from Abuse (Scotland) Act 2001 2001 asp 14

## 1 Attachment of power of arrest to interdict

(1) A person who is applying for, or who has obtained, an interdict for the purpose of protection against abuse may apply to the court for a power of arrest to be attached to the interdict under this Act.

[<sup>F1</sup>(1A) In the case of an interdict which is—

- (a) a matrimonial interdict (as defined by section 14(2) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59)) which is ancillary to—
  - (i) an exclusion order within the meaning of section 4(1) of that Act; or
  - (ii) an interim order under section 4(6) of that Act; or
- (b) a relevant interdict (as defined by section 113(2) of the Civil Partnership Act 2004 (c. 33)) which is ancillary to—
  - (i) an exclusion order within the meaning of section 104(1) of that Act; or
  - (ii) an interim order under section 104(6) of that Act,

the court must, on an application under subsection (1), attach a power of arrest to the interdict.]

(2) [<sup>F2</sup>In the case of any other interdict, ] the court must, on such application, attach a power of arrest to the interdict if satisfied that—

- (a) the interdicted person has been given an opportunity to be heard by, or represented before, the court;
- <sup>F3</sup>(b) .....
- (c) attaching the power of arrest is necessary to protect the applicant from a risk of abuse in breach of the interdict.

(3) The court, on attaching a power of arrest, must specify a date of expiry for the power, being a date not later than three years after the date when the power is attached.

### Textual Amendments

**F1** S. 1(1A) inserted (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\)](#), ss. **32(2)**, 46(2); S.S.I. 2006/212, art. 2 (with art. 4)

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**Changes to legislation:** There are currently no known outstanding effects for the Protection from Abuse (Scotland) Act 2001, Section 1. (See end of Document for details)

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- F2** Words in s. 1(2) inserted (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), **ss. 32(3), 46(2)**; S.S.I. 2006/212, art. 2 (with art. 4)
- F3** S. 1(2)(b) repealed (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), s. 46(2), **Sch. 3**; S.S.I. 2006/212, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Protection from Abuse (Scotland) Act 2001, Section 1.