

## SCHEDULE 3

### Evidence to support security declarations

#### Orders and interdicts

**1.—(1)** Evidence to support a security declaration by an associate of a recorded person meets the requirements of this paragraph if—

- (a) the evidence is an order, interdict, injunction or measure of a kind referred to in subparagraph (2), or a copy of such an order, interdict, injunction or measure,
- (b) the order, interdict, injunction or measure is made for the protection, or otherwise for the benefit, of the associate or an individual connected with the associate, and
- (c) the order, interdict, injunction or measure is in force.

**(2)** The orders, interdicts, injunctions or measures referred to are—

- (a) a non-harassment order, interdict or interim interdict made under section 8 or 8A of the Protection from Harassment Act 1997**(1)**,
- (b) a non-harassment order made under section 234A(2) of the Criminal Procedure (Scotland) Act 1995**(2)**,
- (c) a matrimonial interdict within the meaning of section 14 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981**(3)**,
- (d) a domestic interdict within the meaning of section 18A of the Matrimonial Homes (Family Protection) (Scotland) Act 1981**(4)**,
- (e) a relevant interdict within the meaning of section 113 of the Civil Partnership Act 2004**(5)**,
- (f) an interdict that has been determined to be a domestic abuse interdict within the meaning of section 3 of the Domestic Abuse (Scotland) Act 2011**(6)**,
- (g) any interdict with an attached power of arrest made under section 1 of the Protection from Abuse (Scotland) Act 2001**(7)**,
- (h) a forced marriage protection order or interim forced marriage protection order made under any of the following provisions—
  - (i) Part 4A of the Family Law Act 1996**(8)**,
  - (ii) section 2 and paragraph 1 of schedule 1 of the Forced Marriage (Civil Protection) Act 2007**(9)**,
  - (iii) section 1 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011**(10)**, or

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**(1)** 1997 c.40. Section 8 was amended by section 1(1) of the Domestic Abuse (Scotland) Act 2011 (asp 13) and section 16 and schedule 2 of the Damages (Scotland) Act 2011 (asp 7). Section 8A was inserted by section 1(2) of the Domestic Abuse (Scotland) Act 2011.

**(2)** 1995 c.46. Section 234A was inserted by section 11 of the Protection from Harassment Act 1997 (c.40).

**(3)** 1981 c.59. Section 14 was amended by section 10 and schedule 3 of the Family Law (Scotland) Act 2006 (asp 2) and by article 6 of the Family Law (Scotland) Act 2006 (Consequential Modifications) Order 2006 (S.S.I. 2006/384).

**(4)** Section 18A was inserted by section 31(3) of the Family Law (Scotland) Act 2006.

**(5)** 2004 c.33. Section 113 was amended by sections 33 and 45(2) and paragraph 8 of schedule 1 and schedule 3 of the Family Law (Scotland) Act 2006 and by article 10 of the Family Law (Scotland) Act 2006 (Consequential Modifications) Order 2006 (S.S.I. 2006/384).

**(6)** 2011 asp 13.

**(7)** 2001 asp 14. Section 1 was amended by sections 32 and 45(2) and schedule 3 of the Family Law (Scotland) Act 2006 (asp 2).

**(8)** 1996 c.27. Part 4A was inserted by section 1 of the Forced Marriage (Civil Protection) Act 2007 (c.20).

**(9)** 2007 c.20.

**(10)** 2011 asp 15.

**Changes to legislation:** There are currently no known outstanding effects for the The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021, Paragraph 1. (See end of Document for details)

- (iv) section 5 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011,
- (i) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under section 3 of the Protection from Harassment Act 1997(11),
- (j) an injunction granted under section 3A(2) of the Protection from Harassment Act 1997(12),
- (k) a restraining order made under section 5(1) of the Protection from Harassment Act 1997(13),
- (l) a restraining order on acquittal made under section 5A(1) of the Protection from Harassment Act 1997(14),
- (m) a non-molestation order made under section 42(2) of the Family Law Act 1996(15),
- (n) an injunction for the purpose of restraining a person from pursuing any conduct which amounts to harassment granted in proceedings under article 5 of the Protection from Harassment (Northern Ireland) Order 1997(16),
- (o) a restraining order made under article 7 of the Protection from Harassment (Northern Ireland) Order 1997(17),
- (p) a restraining order on acquittal made under article 7A(1) of the Protection from Harassment (Northern Ireland) Order 1997(18),
- (q) a non-molestation order made under article 20(2) of the Family Homes and Domestic Violence (Northern Ireland) Order 1998(19),
- (r) a domestic violence protection order made under section 28 of the Crime and Security Act 2010(20) or section 97 and paragraph 5 of schedule 7 of the Justice Act (Northern Ireland) 2015(21),
- (s) a female genital mutilation protection order made under section 5A and paragraphs 1 or 18 of schedule 2 of the Female Genital Mutilation Act 2003(22),
- (t) any relevant protection measure ordered in another EU member state and entitled to be recognised in Scotland under Regulation (EU) 606/2013 of the European Parliament and of the Council on mutual recognition of protection measures in civil matters(23).

#### Commencement Information

**II** Sch. 3 para. 1 in force at 1.4.2022, see [reg. 1](#)

- (11) 1997 c.40. Section 3(1) was amended by section 125(4) of the Serious Organised Crime and Police Act 2005 (c.15).
- (12) Section 3A was inserted by section 125(5) of the Serious Organised Crime and Police Act 2005 (c.15).
- (13) Section 5 was amended by section 125(6) of the Serious Organised Crime and Police Act 2005 (c.15), and section 12(1) to (4), paragraph 43 of schedule 10 and paragraph 1 of schedule 11 of the Domestic Violence, Crime and Victims Act 2004 (c.28).
- (14) Section 5A was inserted by section 12(5) of the Domestic Violence, Crime and Victims Act 2004 (c.28).
- (15) 1996 c.27.
- (16) S.I. 1997/1180 (N.I.9).
- (17) Article 7 was amended by sections 13 and 58 and paragraph 47 of schedule 10 and paragraph 1 of schedule 11 of the Domestic Violence, Crime and Victims Act 2004 (c.28).
- (18) Article 7A was inserted by section 13(5) of the Domestic Violence, Crime and Victims Act 2004.
- (19) S.I. 1998/1071 (N.I.6).
- (20) 2010 c.17.
- (21) 2015 c.9. Section 97 and paragraph 5 of schedule 7 are not yet in force.
- (22) 2003 c.31. Section 5A and schedule 2 were inserted by section 73(1) and (2) of the Serious Crime Act 2015 (c.9).
- (23) OJ L 181, 29.6.2013, p.4.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Land Reform (Scotland) Act 2016 (Register of Persons Holding a Controlled Interest in Land) Regulations 2021, Paragraph 1. (See end of Document for details)*

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