

PROTECTION FROM ABUSE (SCOTLAND) ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3: Notification to police

29. **Section 3** sets out a duty to notify the police whenever a power of arrest, or an extension of a power of arrest is served, when a power of arrest is recalled, or when an interdict to which a power is attached is varied or recalled. The section is framed so that the duty will initially lie on the person who has obtained such power, extension, variation, or recall. However, the section is also framed so as to provide that the duty might be prescribed by rules of court as lying on some other person. This is to take account of possible future development of court electronic communications systems, which might allow the clerk of court to intimate documents, etc., instantaneously, by means of electronic communication (section 7 defines “documents” as including electronic documentation). In the event of such a system being developed, rules of court may prescribe that the duty to notify falls on the clerk of court or the sheriff clerk.
30. The duty is to notify the Chief Constable of any police area in which the interdict has effect. This may mean notifying more than one Chief Constable (such as where the interdict is in terms of avoiding both the applicant’s home and place of work, which are in different police areas). An order by the sheriff is only normally effective within the sheriffdom although this could cover two or three police areas. The requirement in relation to an interdict granted by the Court of Session could result in there being a duty to inform every Scottish Chief Constable unless, for example, the interdict was restricted to particular locations.