

*These notes relate to the Domestic Abuse (Scotland) Act
2011 (asp 13) which received Royal Assent on 20 April 2011*

DOMESTIC ABUSE (SCOTLAND) ACT 2011

EXPLANATORY NOTES

SUMMARY AND BACKGROUND TO THE ACT

3. The Act amends the law relating to civil protection orders where these are sought by victims of domestic abuse.
4. The Act introduces a new section into the Protection from Harassment Act 1997 (“the 1997 Act”) which provides that every individual has a right to be free from harassment and, accordingly, that a person must not engage in conduct which amounts to harassment of another. However, this new section only applies where the conduct in question amounts to domestic abuse. The victim of an actual or apprehended breach of the right under section 8A may pursue an action for harassment without having to show a course of conduct.
5. The Act also introduces a new offence criminalising the breach of an interdict with a power of arrest where domestic abuse is involved.