

DOMESTIC ABUSE (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2: Breach of domestic abuse interdict with power of arrest

10. [Section 2\(2\)](#) of the Act makes it a criminal offence to breach an interdict to which section 2 applies.
11. [Section 2\(1\)](#) provides that section 2 applies where an interdict (including an interim interdict) made on or after the coming into force of section 2 (that is, on or after 20 July 2011) has been determined to be a domestic abuse interdict under section 3 of the Act. In addition, the interdict must have a power of arrest attached under the Protection from Abuse (Scotland) Act 2001. Both the determination and the power of arrest must be in effect at the time the interdict is breached in order for the offence to be committed.
12. [Section 2\(3\)](#) provides that the offence under section 2(2) is punishable:
 - on conviction on indictment, by imprisonment for a term not exceeding five years or by a fine, or by both such imprisonment and such fine; and
 - on summary conviction, by imprisonment for a period not exceeding twelve months or by a fine not exceeding the statutory maximum, or by both such imprisonment and such fine.
13. Where a person is convicted for breach of a domestic abuse interdict in respect of any conduct, that same conduct cannot also be punished as a contempt of court, and vice versa.