

Domestic Abuse (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 5

Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Rhoda Grant

- 1 In section 1, page 2, line 10, leave out from <10(1)> to <injuries"> in line 11 and insert <2(1)(b)(ii) (transmission of deceased's rights to executor) of the Damages (Scotland) Act 2011 (asp 00)>

Section 3

Rhoda Grant

- 2 In section 3, page 2, line 16, leave out from <("A")> to end of line 19 and insert—
- <() a determination has been made under section (*Determination as to whether an interdict is a domestic abuse interdict*)(1) that the interdict is a domestic abuse interdict,
- () that determination is in effect,>

Rhoda Grant

- 3 In section 3, page 2, line 35, after <section> insert <and section (*Determination as to whether an interdict is a domestic abuse interdict*)>

After section 3

Rhoda Grant

- 4 After section 3, insert—
- <Determination as to whether an interdict is a domestic abuse interdict**
- (1) A person who is applying for, or who has obtained, an interdict may apply to the court for a determination that the interdict is a domestic abuse interdict.
- (2) The court may make the determination if satisfied that the interdict is, or is to be, granted for the protection of the applicant against a person who is (or was)—
- (a) the applicant's spouse,
- (b) the applicant's civil partner,

- (c) living with the applicant as if they were husband and wife or civil partners, or
 - (d) in an intimate personal relationship with the applicant.
- (3) Before making a determination under subsection (1), the court must give the person against whom the interdict is, or is to be, granted (“A”) an opportunity to make representations.
- (4) A determination under subsection (1) is of no effect for the purposes of section 3 until a copy of the interlocutor containing the determination has been served on A.
- (5) Where a court varies an interdict in relation to which a determination under subsection (1) is in effect, the court must—
 - (a) review whether the interdict as varied continues to be a domestic abuse interdict, and
 - (b) if not, recall the determination.
- (6) A determination under subsection (1) ceases to have effect for the purposes of section 3 if it is recalled under subsection (5).>

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