
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 289

**Act of Sederunt (Sheriff Court Rules)
(Miscellaneous Amendments) (No. 2) 2011**

Domestic Abuse (Scotland) Act 2011

- 5.—(1) The Ordinary Cause Rules are amended in accordance with the following subparagraphs.
- (2) After rule 41.2(3)(d) (delivery of certain documents to the chief constable)(1) insert—
- “**(e)** where a determination has previously been made in respect of such interdict under section 3(1) of the Domestic Abuse (Scotland) Act 2011(2), a copy of the interlocutor in Form DA1.”.
- (3) After Chapter 41 (Protection from Abuse (Scotland) Act 2001)(3) insert—

“CHAPTER 41A

DOMESTIC ABUSE (SCOTLAND) ACT 2011

Interpretation and application of this Chapter

- 41A.1.**—(1) In this Chapter—
- “the 2011 Act” means the Domestic Abuse (Scotland) Act 2011;
- “interdict” includes interim interdict.

(2) This Chapter applies to an application for a determination under section 3(1) of the 2011 Act that an interdict is a domestic abuse interdict.

Applications for a determination that an interdict is a domestic abuse interdict

- 41A.2.**—(1) An application made before the interdict is obtained must be made by crave in the initial writ, defences or counterclaim in which the interdict is sought.
- (2) An application made after the interdict is obtained must be made by minute.
- (3) Where a determination is made under section 3(1) of the 2011 Act, the interlocutor shall be in Form DA1.
- (4) In pursuance of section 3(4) of the 2011 Act, the applicant must serve a copy of the interlocutor in Form DA1 on the person against whom the interdict has been granted and lodge in process a certificate of service in Form DA2.
- (5) Where a determination is recalled under section 3(5)(b) of the 2011 Act, the interlocutor shall be in Form DA3.
- (6) Paragraph (7) applies where, in respect of the same interdict—

(1) Rule 41.2 was inserted by [S.S.I. 2002/128](#) and amended by [S.S.I. 2003/26](#) and [2006/207](#).

(2) [2011 asp 13](#).

(3) Chapter 41 was inserted by [S.S.I. 2002/128](#) and amended by [S.S.I. 2003/26](#) and [2006/207](#).

(a) a power of arrest under section 1 of the Protection from Abuse (Scotland) Act 2001(4) is in effect; and

(b) a determination under section 3(1) of the 2011 Act is made.

(7) Where a determination is made or where such determination is recalled, the sheriff must appoint a person to send forthwith to such chief constable as the sheriff thinks fit a copy of—

(a) the interlocutor in Form DA1 and the certificate of service in Form DA2; or

(b) the interlocutor in Form DA3,

as the case may be.

(8) Where a person is required by virtue of this Chapter to send documents to a chief constable, such person must, after each such compliance, lodge in process a certificate of sending in Form DA4.”.

(4) In Appendix 1, after Form PA1 insert Forms DA1, DA2, DA3 and DA4 set out in Part 1 of the Schedule to this Act of Sederunt.