



Domestic Abuse Protection (Scotland) Bill
Amendments to be moved at Stage 2

Section 16, page 10, at end line 28 insert

< () Reporting requirement

(1) The Scottish Ministers must prepare a report on the use of, during the reporting period—

(a) the number of domestic abuse protection notices which are made under section 4

(b) the number of domestic abuse protection orders which are made under section 8

(c) the number of interim domestic abuse protection orders which are made section 10

(d) the number of offences of breaches of domestic abuse protection notices are reported under section 7

(e) the number of offences of breaches of domestic abuse protection orders are reported under section 16 and

(f) such additional information as the Scottish Ministers think fit.

(2) The report must set out, in relation to the number of offences under sections 7 and 16 —

(a) the number of cases for which relevant criminal proceedings are undertaken and

(b) the number of convictions obtained in relevant criminal proceedings.

(3) The report must, in relation to the making of such notices and orders —

(a) include distinct statistics for each of them, and

(b) provide details with respect to those made in relation to particular sheriffdom.

(4) The report must be laid before the Scottish Parliament as soon as practicable after the end of the reporting period.

(5) The reporting period is the period of 3 years beginning with the day on which sections 4, 7, 8, 10 and 16 come into force.>

Effect

The effect of the amendment is to introduce a reporting requirement on Scottish Ministers in order to monitor and examine the number of the domestic abuse protection notices and orders that are made as well as the number of offences for breaches of the provisions are reported and convictions obtained.

Reason

We have expressed concerns over the introduction of domestic abuse protection notices (DAPN) and a domestic abuse protection orders (DAPO), where there may already be a proliferation of potentially overlapping measures.

Paragraph 24 of the Policy Memorandum of the Bill recognised that “there are a number of existing criminal and civil law provisions currently in effect which can be used to remove a suspected perpetrator of abuse from a home they share with a person at risk or otherwise prevent them from contacting the person at risk.” These DAPNs and DAPOs should usefully add to what is already existing. They should also be seen to be used effectively.

We had stressed that given the consequences of DAPNs and DAPOs being made, that these measures should be used in only exceptional circumstances where they are justified. Prior modelling would have helped to identify how and in what circumstances that a DAPN or a DAPO will be used to provide the effective short-term remedies which are sought.

By introducing reporting provisions to the Scottish Parliament which are similar to those included under section 14 of the Domestic Abuse (Scotland) Act 2018, that effective scrutiny can be undertaken.

The Scottish Government-chaired Implementation Board which is to be created may resolve some of these issues, however the amendment will ensure that a Report is to be made to the Scottish Parliament for that purpose.