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# **Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh**

## **Domestic Abuse (Protection) (Scotland) Bill: Stage 1**



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# Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) any—
  - (i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
  - (ii) [deleted]
  - (iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;
- (b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;
- (c) general questions relating to powers to make subordinate legislation;
- (d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;
- (e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;
- (f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;
- (g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and
- (h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.
- (i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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# Committee Membership



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Scottish National Party



**Mary Fee**  
Scottish Labour



**Gil Paterson**  
Scottish National Party



**Michelle Ballantyne**  
Scottish Conservative  
and Unionist Party

# Introduction

1. At its meeting on 3 November 2020, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Domestic Abuse (Protection) (Scotland) Bill ("the Bill") at Stage 1.
2. The Committee submits this report to the lead Committee for the Bill under Rule 9.6.2 of the Standing Orders.
3. The Scottish Government has provided the Parliament with [a memorandum on the delegated powers provisions in the Bill](#).

# Overview of the Bill

4. This Bill was introduced by the Scottish Government on 2 October 2020. The lead Committee is the Justice Committee.
5. The Bill is in three parts.
6. Part 1 of the Bill provides the courts with a new power to make a Domestic Abuse Protection Order (“DAPO”) which can impose restrictions and prohibitions on a suspected perpetrator of domestic abuse, including removing them from a home they share with a person at risk and prohibiting them from contacting or otherwise abusing the person at risk while the order is in effect.
7. The Bill also provides a power for the police to impose a very short-term Domestic Abuse Protection Notice (“DAPN”) ahead of applying to the court for a DAPO in circumstances where such a notice is necessary for protecting person B from abusive behaviour by person A before an interim or full DAPO can be made. The Bill requires the police to apply to a court for a DAPO no later than the first court day after giving a DAPN.
8. Part 2 of the Bill creates a new ground on which a social landlord can apply to the court for recovery of possession of a house from a perpetrator of domestic abuse with a view to transferring it to the victim or, where the perpetrator and victim are joint tenants, to end the perpetrator’s interest in the tenancy and enable the victim to remain in the family home.
9. Part 3 of the Bill makes provision concerning powers to make ancillary provision and commencement.

## Delegated Powers

10. The Committee considered each of the delegated powers provisions in the Bill. The Committee determined that it did not need to draw the attention of the Parliament to the delegated powers provisions provided in the following sections of the Bill:
  - Section 19 – Ancillary provision
  - Section 20 – Commencement
11. The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill.



