

Petitioner submission of 3 November 2022

PE1981/B: Ensure perpetrators of domestic abuse, who have been excluded from the matrimonial home, cannot force the sale of the property

I have sought legal advice on both matters suggested by the Scottish Government reply.

My interdict states that the abuser cannot cause me mental injury or distress, but having spoken with my solicitor, who has read over the paperwork for both the interdict and the exclusion order, there is nothing I can use to stop the contact via a 3rd party.

I have 2 options: buy him out, which I can't borrow enough to do; or sell. After the trauma this man has caused me, I cannot cope so soon taking on the sale. If I don't engage, I have been advised that I could be liable for the full cost of court action. Regardless of how the contact comes it is extremely distressing and retraumatising. I would have liked to have some form of legislation in place to stop him being able to do that.

Domestic abusers who have been found guilty of such serious offences by a High Court jury, including sexual assault and rape, should be held accountable. For the term of the interdict and exclusion order, they should be unable to contact the victim either directly or indirectly, as doing so is a continuation of their abuse, to control and manipulate. Victims need time and space to recover and cannot do that whilst the perpetrator is allowed to make contact. This is not fair, and it is not justice.