

Citizen Participation and Public Petitions Committee  
Wednesday 26 June 2024  
12th Meeting, 2024 (Session 6)

## PE2025: Improve the support available to victims of domestic violence, who have been forced to flee their home

### Introduction

**Petitioner** Bernadette Foley

**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to improve the support available to victims of domestic violence who have been forced to flee the marital home by:

- ensuring access to legal aid for divorce proceedings where domestic violence is a contributing factor;
- ensuring victims are financially compensated for loss of the marital home, including loss of personal possessions and furniture left in the property; and
- ensuring that victims are consulted before any changes are made to non-harassment orders.

**Webpage** <https://petitions.parliament.scot/petitions/PE2025>

1. [The Committee last considered this petition at its meeting on 6 September 2023.](#) At that meeting, the Committee agreed to write to Scottish Women's Aid, the Scottish Women's Rights Centre, the Law Society of Scotland, the Scottish Law Commission, and the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Scottish Law Commission, the Law Society of Scotland, the Scottish Government, the Scottish Women's Rights Centre, and Scottish Women's Aid, which are set out in **Annexe C**.
4. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
5. [The Scottish Government gave its initial position on this petition on 1 June 2023.](#)
6. Every petition collects signatures while it remains under consideration. At the time of writing, 98 signatures have been received on this petition.

7. Members may wish to note that the Scottish Law Commission intends to publish a Discussion Paper for consultation on possible options for reform of civil remedies for domestic abuse in late autumn 2024.

## **Action**

8. The Committee is invited to consider what action it wishes to take.

**Clerks to the Committee**  
**June 2024**

## **Annexe A: Summary of petition**

**PE2025: Improve the support available to victims of domestic violence, who have been forced to flee their home**

### **Petitioner**

Bernadette Foley

### **Date Lodged**

25 April 2023

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to improve the support available to victims of domestic violence who have been forced to flee the marital home by:

- ensuring access to legal aid for divorce proceedings where domestic violence is a contributing factor;
- ensuring victims are financially compensated for loss of the marital home, including loss of personal possessions and furniture left in the property; and
- ensuring that victims are consulted before any changes are made to non-harassment orders.

### **Previous action**

I have written to Humza Yousaf, when he was Cabinet Secretary for Justice.

I have also raised the matter with the Crown Office and Procurator Fiscal Service, and our local MP, Carol Monaghan.

### **Background information**

My sister was abducted, beaten and her estranged husband attempted to kill her after threatening the same. He received a custodial sentence for offences including breach of bail, abduction, assault to injury, and breach of the peace, of which he served half. This was after the attempted murder charge was dropped without discussion with the victim. Following his release, he began harassing my sister under an assumed name and the police decided they could do nothing.

The perpetrator's family emptied the marital home of all furniture, fixtures and fittings, and again the police could do nothing to prevent this. Furthermore, my sister had to pay legal costs to divorce him and start over having left the home with only the clothes and possessions on her person.

My sister has now had to give up work due to anxiety, depression, PTSD and deterioration of physical health, and to date has received no benefits whatsoever. She was declined a community care grant and criminal injuries compensation.

## **Annexe B: Extract from Official Report of last consideration of PE2025 on 6 September 2023**

**The Convener:** PE2025, which was lodged by Bernadette Foley, calls on the Scottish Parliament to urge the Scottish Government to improve the support that is available to victims of domestic violence who have been forced to flee the marital home by ensuring access to legal aid for divorce proceedings where domestic violence is a contributing factor; ensuring that victims are financially compensated for loss of the marital home, including loss of personal possessions and furniture left in the property; and ensuring that victims are consulted before any changes are made to non-harassment orders.

In the background to the petition, Bernadette explains that her sister faced threats and harassment from her ex-husband, whose family emptied their marital home of all furniture, fixtures and fittings. The police were seemingly unable to take any action to prevent that. Bernadette also tells us about the mental and physical impact that that experience has had on her sister and how she was unable to access financial support to replace her possessions and start over.

The SPICe briefing notes that the Domestic Abuse (Protection) (Scotland) Act 2021 introduces two short-term civil protection orders, both of which could exclude a perpetrator of domestic abuse from the place where the person at risk lives. However, the briefing also notes that that part of the act is not yet in force.

In responding to the petition, the Minister for Victims and Community Safety notes that civil legal aid is available in a wide range of actions, including contested divorces, and that around 70 per cent of people are eligible for some form of civil legal aid. The minister highlights other options, such as the Scottish Women's Rights Centre, which offers free legal information and advice to women in Scotland who have or are experiencing gender-based violence. The minister also refers to the work that is undertaken on improving housing outcomes for women and children experiencing domestic abuse, including options for financial support for women leaving an abusive partner.

The minister refers in her letter to the Scottish Law Commission's plans, as part of its work on family law, to review the civil remedies that are available for domestic abuse, which the committee is aware of from our consideration of related petitions. In the light of all that, do colleagues have any suggestions as to how we might proceed?

**David Torrance:** I hope that the committee will keep the petition open and dig into it a bit more. In that case, I hope that we would write to Scottish Women's Aid, the Scottish Women's Rights Centre and the Law Society of Scotland to seek their views on the action that the petition calls for. I would like the committee to write to the Scottish Law Commission to seek an update on the review of civil remedies for domestic abuse, including clarification on whether the issues that are raised by the petitioner will be included in the scope of the review. I would also like the committee to write to the Scottish Government to seek clarification of when part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021 will be fully implemented.

**The Convener:** As there are no further suggestions, are committee members content with those recommended actions?

**Members *indicated agreement.***

**The Convener:** Therefore, the petition will remain open and we will again endeavour to understand the thinking of the various organisations to whom we will now write, in the first instance.

## Annexe C: Written submissions

### **Scottish Law Commission submission of 26 September 2023 PE2025/B: Improve the support available to victims of violence, who have been forced to flee their home**

The Citizen Participation and Public Petitions Committee asks the Scottish Law Commission for an update on its review of civil remedies for domestic abuse. In particular, the Committee seeks clarification on whether the issues raised by this petition will be included within the scope of the review.

The petition calls for the Scottish Parliament to urge the Scottish Government to improve the support available to victims of domestic violence who have been forced to flee the marital home by:

- ensuring access to legal aid for divorce proceedings where domestic violence is a contributing factor;
- ensuring victims are financially compensated for loss of the marital home, including loss of personal possessions and furniture left in the property; and
- ensuring that victims are consulted before any changes are made to non-harassment orders.

The Commission's Aspects of Family Law Project is focusing on a review of the civil remedies available for domestic abuse, as part of our [11<sup>th</sup> Programme of Law Reform](#) (which runs from January 2023 to December 2027). This review is considering, among other matters, whether the existing civil remedies for domestic abuse are adequate and sufficient to provide victims of domestic abuse and violence with prompt and effective protection. It is also considering whether the existing statutory framework which provides for these remedies should be simplified, clarified, and modernised.

The Commission's family law team is currently preparing a Discussion Paper, which we hope to publish in the first half of 2024 for consultation, seeking views on the law of civil remedies for domestic abuse and on options for its reform. We have had some initial meetings with practitioners, decision makers, academics, and domestic abuse support groups to hear their perspectives on the difficulties of the law in this area. We have also established an Advisory Group of members from both a legal and non-legal background to provide us with their expertise and advice as we prepare this consultation paper and throughout the life of the project.

In response to the three specific points raised in the petition:

- our project does not extend to a reform of divorce law, nor does it focus on legal aid. That said, we are aware of the difficulties which can be faced by victims of domestic abuse in accessing legal aid when they are seeking civil remedies for domestic abuse. However, we consider that this is principally a matter for the Scottish Government and the Scottish Legal Aid Board and not a matter for this project;

- we are considering whether and how victims of domestic abuse might be able to obtain remedies against perpetrators of domestic abuse, including for loss of personal possessions and furniture left in a shared property. We note that partners have existing rights to property at the end of the relationship in terms of the Family Law (Scotland) Act 1985, on divorce or dissolution, or may have a claim under the Family Law (Scotland) Act 2006 at the end of a cohabiting relationship;
- we are reviewing the efficacy of non-harassment orders available under the Protection from Harassment Act 1997, as well as other civil remedies for domestic abuse. As part of our consultation exercise, we will continue our engagement with support groups, such as Scottish Women's Aid, Hemat Gryffe, Shakti Women's Aid, Safe Lives Scotland, and others, with a view to ensuring that the voices of victims and survivors of domestic abuse are heard. Our consultation exercise, in the form of our Discussion Paper, will also be publicised on the Commission website and via Commission social media when it is published. We expect this will be in the first half of 2024.

I trust that this is of assistance.

## **Law Society of Scotland submission of 1 November 2023**

### **PE2025/C: Improve the support available to victims of domestic violence, who have been forced to flee their home**

Thank you for giving our Child and Family Law Sub-Committee the opportunity to comment on the above mentioned petition.

#### **Ensuring access to legal aid for divorce proceedings where domestic violence is a contributing factor**

Legal aid is available, subject to means, where the occurrence of domestic abuse is a basis for divorce on the grounds of unreasonable behaviour. If the petition seeks that legal aid is made available irrespective of means, that is either an issue for SLAB to look at or likely something to address as part of a wider review of legal aid. One possible issue may be that the court does not know whether abuse has or has not occurred until a decision is made on that (often contested) fact. To work in practice, it would likely require legal aid to be made available automatically to anyone who alleges domestic abuse. That potentially opens the scheme up to misuse.

#### **Ensuring victims are financially compensated for loss of the marital home, including loss of personal possessions and furniture left in the property**

Considerations of fairness and equity underpin the Family Law (Scotland) Act 1985. In appropriate circumstances, the court should take account of such matters. Free and means tested legal aid is available to claim against the other party. Generally the claim must be reasonable and in the public interest, so it will depend on the circumstances as to whether or not this is awarded. Any blanket grant in these circumstances would require input by SLAB and the point on potential misuse would then have to be considered.

### **Ensuring that victims are consulted before any changes are made to non-harassment orders**

The committee would support the suggestion that a victim should be heard prior to a decision being made to vary or revoke a NHO. In a civil context that should happen automatically (as such an order would normally have been sought by the victim). It may be this is about an NHO made alongside sentencing in a criminal case. In any case, this would likely be best examined on a case specific basis to mitigate concerns around a blanket grant being given on an allegation not yet been proved.

We would also highlight the SPICe briefing and comments from the Law Commission already received, which are helpful in identifying areas covered by their project in relation to this petition.

We hope this is helpful in your discussions and please do let us know should you require further clarification.

### **Scottish Government submission of 3 November 2023**

#### **PE2025/D: Improve the support available to victims of domestic violence, who have been forced to flee their home**

Thank you for your letter to the Scottish Government following the Citizen Participation and Public Petitions Committee's recent consideration of the above petition. In your letter you requested an update on progress to implement Part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021 (the 2021 Act).

I would like to begin by stating that the Scottish Government recognises the terrible circumstances outlined by the Petitioner, which no person should ever have to experience. I would like to assure the Committee that the Scottish Government is fully committed to working with relevant partners in improving the response to those experiencing domestic abuse and preventing situations, such as that outlined in the petition, from arising.

In response to the request by the Committee in relation to implementation of Part 1 of the 2021 Act, I think it is useful to set out the work undertaken to date and to highlight some of the emerging challenges encountered in relation to commencement.

By way of background, Part 1 of the 2021 Act, when commenced, will give Police Scotland the power to issue a Domestic Abuse Protection Notice (DAPN) to someone suspected of causing harm to someone they live with some or all of the time. This could be used to prevent a person suspected of causing harm from entering the home shared with the person suspected of being at risk. The intention is for a DAPN to be utilised where domestic abuse is suspected but there is insufficient evidence to pursue a criminal route.

Due to human rights considerations, a DAPN is only able to be in place for a very short period of time. On issuing a DAPN, Police Scotland would then apply to the civil courts the next court day for a Domestic Abuse Protection Order (DAPO) which,



if granted by the courts would give the person suspected of being at risk of harm, up to three months breathing space in which to consider their longer-term options.

Following Royal Assent an Implementation Board was established to work with relevant partners including Police Scotland, the Scottish Courts and Tribunal Service and Scottish Women's Aid. The work was paused in October 2021 due to other priorities but was re-established in November last year. In addition to the re-established Implementation Board, an Operational Working Group comprising of justice stakeholders that will be operationally impacted by the 2021 Act, was established to work through the detail of how the legislation could operate.

There are several challenges in relation to the implementation of Part 1 of the legislation. In summary these include but are not limited to, an estimated higher than anticipated volume of cases, how the timescales laid down in the legislation impact on operational justice agencies and challenges in how the views of children can be gathered in a way that does not cause additional harm or trauma. These issues all have associated resource implications. In addition, there are a number of practical aspects to the implementation of the legislation for operational justice agencies that require further consideration as to how these could be resolved.

It is worth noting that Scotland is not unique in experiencing challenges in implementing a protection notice and order scheme. The broadly equivalent scheme in England and Wales, Domestic Violence Protection Notices (DVPNs) and Orders (DVPOs) took over 4 years to be rolled out across all 43 police forces. The scheme is planned to be repealed following conclusion of the Home Office and Ministry of Justice led pilot of its revised DAPO scheme through the Domestic Abuse Act 2021. [Domestic Abuse Protection Notices / Orders factsheet - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/factsheets/domestic-abuse-protection-notices-orders-factsheet)

The UK Government has also encountered challenges in how the pilot will operate in practice in England and Wales and is currently working through how these could be resolved. Similarly, Northern Ireland is progressing with the development of its DAPO scheme. The detail of the Northern Ireland scheme will be set out in regulations, but the development of these is proving challenging.

Despite the challenges in implementing the Domestic Abuse Protection Notice and Order scheme, the Scottish Government remains committed to working with stakeholders to deliver a scheme that realises the intended benefits of the legislation.

Officials will continue to keep the Committee updated on progress to implement the 2021 Act.

## **Criminal Justice Division**

### **Scottish Women's Rights Centre submission of 6 February 2024**

#### **PE2025/E: Improve the support available to victims of domestic violence, who have been forced to flee their home**

We welcome the opportunity to respond to the Citizen Participation and Public Petitions Committee in relation to petition PE2025.

The SWRC is supportive of the petition and its calls. The SWRC agrees that more must be done to support victims of domestic abuse and other forms of gender-based violence (GBV), and those forced to leave their family home.

Considering each of the points raised:

1. Ensuring access to legal aid for divorce proceedings where domestic violence is a contributing factor

We strongly support that legal aid should be made available for victim/survivors of domestic abuse where they require to raise related legal proceedings. We are currently facing a legal aid crisis in Scotland. We have seen an increase in enquiries to our services from survivors of GBV who are unable to obtain legal aid funded representation. It has been reported to us by our service users that they have contacted anywhere between 30-50 solicitors to seek legal representation. We have seen a steady increase in the number of survivors self-representing in civil cases due to the legal aid crisis and the decrease in solicitors willing to provide legal aid funded work, due to inadequate remuneration.

In relation to divorce actions, it can lead women not entitled to legal aid, or not able to find representation, to self-represent or accept settlements that do not represent a fair share of the matrimonial property.

We are aware that perpetrators use legal processes to continue to perpetrate abuse following separation, particularly in child contact and divorce actions. Perpetrators will use the legal system to continue their abuse by delaying proceedings, refusing to share documents and, in some cases, sending threatening letters through their solicitors. Where a victim/survivor is unable to secure legal aid funding they will be required to consider privately funding their legal representation. Due to the complexity and length of such cases, legal fees are extremely high and can cause significant hardship for survivors. Perpetrators often use this as a way of perpetrating continued economic abuse.

Where a victim/survivor is unable to afford privately funded litigation costs, they are faced with self-representing, which can lead to re-traumatisation of victim/survivors. Furthermore, the victim/survivor will be faced with representing themselves in front of their abuser. Special measures can be requested in some cases although these are limited and not practical in ongoing child welfare proceedings.

We are aware from our service users, that often they require to accept low settlement offers in order to bring their case to an end due to rising legal costs. Many of our service users report feeling that they have not achieved a fair settlement and that their perpetrator has "won". This often continues the economic abuse if they have been placed into a difficult financial position following the settlement; leaving many victim/survivors and their children unsafe.

We ask for the Committee to make a positive call for a review of the legal aid fee structure of the Scottish Legal Aid Board, to increase funding for solicitors in these cases and ensure victims can access justice.

Particularly, as highlighted in our [briefing paper](#), we continue to call for a review of the funding for protective order cases as we are aware of issues with sourcing legal representation in these cases. We recommend that in the interests of justice, protective orders cases should be exempt from means-testing for civil legal aid and that no contribution should be required.

2. Ensuring victims are financially compensated for loss of the marital home, including loss of personal possessions and furniture left in the property

We have concerns regarding the lack of inclusion of the impact of domestic abuse within divorce/separation legislation. The Family Law (Scotland) Act 1985 provides the framework for financial provision upon divorce. The provisions do not account for the impact of domestic abuse nor does the court process ensure the protection of victim/survivors through the process. We often hear from victim/survivors that despite the perpetrator's abuse (and often specifically economic abuse) during their relationship and continued abuse through the court process, this is not dealt with by the court.

We have heard from our service users that perpetrators of abuse have used the divorce/financial separation process to continue to perpetrate their abuse. For example, we have heard of perpetrators stopping paying the costs for the matrimonial property which leads to threats of repossession and has significant impact upon the victim/survivor's credit rating and future credibility.

An issue which often arises for our service users following separation surrounds personal possessions and furniture, as they often struggle to regain their personal possessions. When contacting the police, they are told that it is a civil matter, and they require to seek legal representation. They may then run into issues around legal aid due to the low value of items and a complex legal process. The length of time to progress through a legal action for recovery of property can lead to the possessions being sold/destroyed by the perpetrator in a continuance of abuse.

We call on the Scottish Government to bring into force the Domestic Abuse (Protection) (Scotland) Act 2021, which received Royal Assent on 05 May 2021 but is not yet in force. The 2021 Act allows the police to make a domestic abuse protection notice (DAPN), and the court to make a domestic abuse protection order (DAPO), for the purpose of protecting a person from abusive behaviour by their partner or ex-partner. Such orders are necessary for the interim protection of victim/survivors and specifically in bridging the gap for protection to remove the perpetrator from the family home. This will support victim/survivors to remain in the family home and reduce the economic burden which follows separation in abuse situations.

3. Ensuring that victims are consulted before any changes are made to non-harassment orders.

Civil Non-Harassment Orders (NHOs) are governed by section 8 and 8A of the Protection from Harassment Act 1997. NHOs provide civil legal protection to victims of harassment<sup>1</sup>.

To raise an action for a NHO the court action must be served against the defender (perpetrator of harassment). They are afforded the opportunity to defend the orders sought.

We consider that it is crucial that victim/survivors of abuse/harassment are likewise afforded the opportunity to answer any requests to revoke or vary a protective order made by the court.

Any changes made to a protective order can have significant consequences for the victim/survivor. The impact of revoking or varying an order could be:

- Safety concerns – reducing the level of protection available to the victim/survivor;
- Impact on further protective measures that may be available to the victim/survivor; for e.g. from the police, social work department or family court;
- Mental health impact – removing peace of mind from the victim/survivor and increasing their hyper-vigilance and fear response;
- Escalation of abuse following removal of protection.

The victim/survivor must be aware of any changes made to a protective order to allow them sufficient time to put in place any available safety measures. The victim/survivor may require to update their safety plan with their support worker or to contact the Police regarding safety measures. Without notice of changes to protective orders victim/survivors can be placed in dangerous situations without warning.

We note that the Scottish Legal Commission are currently undertaking a review of current domestic abuse legislation and we warmly welcome said review and any positive changes that this may bring for victim/survivors.

## **Scottish Women's Aid written submission, 17 April 2024**

### **PE2025/F: Improve the support available to victims of domestic violence, who have been forced to flee their home**

SWA support the petition and the reforms it seeks, which are much needed to better improve the position of women and children experiencing domestic abuse in these matters.

Our comments on each of the issues raised by the Petition, are as follows:

#### **Ensuring access to legal aid for divorce proceedings where domestic violence is a contributing factor**

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<sup>1</sup> [Section 8\(7\) of the 1997 Act](#)

SWA strongly supports the Petitioner's position that civil legal aid should be made automatically available, without a means test, to women experiencing domestic abuse in divorce proceedings where domestic abuse is a contributing factor; indeed, we support that this should be the position in any civil case where domestic abuse is an issue.

The ongoing reduction in supply of legal aid practitioners, particularly those competent in appropriately representing women experiencing domestic abuse, and the knock-on effect this has for women experiencing domestic abuse in accessing legal representation, is well documented. Workers from our local Women's Aid groups supporting women, especially in rural areas, have, in numerous instances been obliged to telephone 30 to 40 firms in an attempt to secure legally-aided representation for women, regrettably, routinely with no success, meaning that women have had no choice but to represent themselves.

Also, women who are having to hold down several jobs simply to make ends meet may find themselves ineligible for legal aid, which again means that they may have to self-represent. In the current financial crisis, constraints on women's already pressurised income makes paying legal costs difficult. This means that women may have no alternative but to represent themselves in the process, which means dealing with perpetrators directly; given that abusers can, and do, manipulate justice processes as part of the continuation of the abuse, this puts unacceptable pressure on, and adds to the trauma already being experienced by women, who may not be able to navigate the process and secure the best outcomes for themselves and their children.

Whereas many women do qualify for civil legal aid, which covers court actions, they may not be eligible for 'Advice and Assistance' which covers pre-court or non-court work, and that Advice and Assistance does not cover court fees. However, this is only a small part of a much bigger issue; very few firms offering legal aid services will do financial/property claims or complex divorce work under civil legal aid because the work involved is not reflected in the remuneration they receive. Further, if women do ultimately recover any property or money as a result of the action, this will be subject to "claw-back" by SLAB who are required to recover any civil legal aid paid out. Tied in with perpetrators' ability to draw out processes as part of the abuse and to financially disadvantage women, these situations result in financial hardship and essentially is a form of economic abuse.

This is not a trauma-based response and represents a barrier to women's access to justice and, in our opinion, a breach of women and children's human rights.

**Ensuring victims are financially compensated for loss of the marital home, including loss of personal possessions and furniture left in the property**

We note that rights and remedies allowing financial and property claims after separation as part of divorce are already available under the Family Law (Scotland) Act 1985, but women need access to civil legal aid or otherwise affordable legal services to exercise these rights and access the provisions of the Act, a matter discussed above.

The Law Society of Scotland stated in their submission to the Committee<sup>2</sup> that “*Considerations of fairness and equity underpin the Family Law (Scotland) Act 1985*” and the Minister for Community Safety noted in her submission to the Committee<sup>3</sup> that “... *Under the 1985 Act, a party’s behaviour is not usually relevant to financial provision on divorce. However, under section 11(7), the court can take account of conduct in certain circumstances, such as where the conduct has adversely affected financial resources that are relevant to the court’s decision.*”

Given that the legislation referring to divorce and separation dates back to 1985, we would call on the Committee to recommend that a review of the law is needed to ensure that it fully includes and considers current understandings around the nature, dynamics and impact of, domestic abuse.

In relation to a review of legislation, the Petitions Committee’s Official Report of 6 September 2023<sup>4</sup> makes the prescient observation that “... *The SPICe briefing notes that the Domestic Abuse (Protection) (Scotland) Act 2021 introduces two short-term civil protection orders, both of which could exclude a perpetrator of domestic abuse from the place where the person at risk lives. However, the briefing also notes that that part of the act is not yet in force.*” The SPICe Briefing<sup>5</sup> particularly comments that “*One key policy aim of the 2021 Act is to give a person at risk space to consider their housing options, reducing the chance they would have to leave the family home for their own safety.*”

If this legislation were in force, it would give women in the position of the Petitioner’s sister opportunities to seek protection and options for her safety, support women to remain in their home and reduce the financial burden they face in having to move and/or obtain civil protection orders.

In relation to the criminal behaviour perpetrated against the Petitioner’s sister, we are not convinced that the police could take no action in relation to the abuse perpetrated against her, either against the perpetrator’s stalking and harassment of her sister, particularly given the extremely serious nature of the abuse and the criminal charges previously laid against the perpetrator, or against the actions of the perpetrator’s family toward her sister.

### **Ensuring that victims are consulted before any changes are made to non-harassment orders.**

Women must be involved in the court’s consideration around any request by the perpetrator to vary any terms of a non-harassment order (“NHO”) or to revoke the Order completely and must also be timeously advised of the outcome of any relevant hearings on the matter, regardless as to whether this is done in relation to NHOs granted under either civil or criminal proceedings.

If this is not done, not only are women denied their right to be heard but such changes to the NHO, without notice, will impact on women’s safety planning and ability to take alternative steps to seek protection through civil or criminal processes.

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<sup>2</sup> [Law Society of Scotland submission of 1 November 2023](#)

<sup>3</sup> [Minister for Victims and Community Safety submission of 1 June 2023](#)

<sup>4</sup> [Official Report of Citizen Participation and Public Petitions Committee, 6 September 2023](#)

<sup>5</sup> [SPICe Briefing on PE2025](#)

**CPPP/S6/24/12/6**

This facilitates the perpetration of further abuse, compromise the safety of women and children whom the NHO is intended to protect and have a consequential effect on their physical and mental health.