

Consultation response to the Proposed Civil Protection Orders and Access to Justice (Scotland) Bill – Consultation December 2009

Violence Against Women Coordinator
Safer Communities
Inverclyde Council
40 West Stewart Street
Greenock

The Bill seeks to:

- *Remove the requirement to show a course of conduct before a Non-Harassment Order could be granted by either the civil or criminal Court, requiring only one incident of harassing behaviour.*

Questions:

1. What advantages or problems might arise as a result of removing the course of conduct requirement?

Advantages

- The system is proactive instead of reactive so focuses on protecting the victim and preventing further abuse. This fits with the Scottish Government's priority towards prevention of Domestic Abuse.
2. What do you see as the main benefits of making it easier to obtain a Non-Harassment Order?
 - It is particularly useful in that it does not rely on taking prior incidents into account. For some victims who might not have told anyone about the abuse it could be breaking point where intervention is required. If they have to wait until a further abuse takes place the moment may have passed and the opportunity to take control missed.

The Bill seeks to:

- *Make legal aid free to all for an application in a civil court for an interdict with a Power of Arrest or a Non-Harassment Order involving Domestic Abuse. This will allow all victims of domestic abuse, regardless of economic background, to access the protection afforded by these orders. Victims would no longer have to pay for their own protection.*

3. What advantages or problems might arise with the removal of means testing?

Advantages

- Its redresses the balance between men seeking Legal Aid to defend themselves and women looking to protect themselves. These rights should always have been equal and it is right that the law should be changed.

4. What do you see as the main benefits of removing means testing?

- This means that it would be irrelevant whether a woman is financially secure or not. The focus is only on the Domestic Abuse she is experiencing. So all victims of Domestic Abuse seeking legal assistance will be treated equally.

The Bill seeks to:

- *Make it a criminal offence to breach an Interdict with a Power of Arrest.*

5. What are the advantages and problems that might arise from making it a criminal offence to breach an interdict with a power of arrest?

Advantages

- There is currently very little deterrent for perpetrators as the consequences are limited.

6. What do you see as the main benefits of making it a criminal offence to breach an interdict with a power of arrest?

- Women feel safer and are confident that action will be taken if the interdict is breached.

