

PE1756/H

Scottish Government submission of 29 September 2020

Thank you for your letter of 3 September 2020 requesting further information for the above public petition requested by the Public Petitions Committee.

The Committee has asked:

- whether legislation planned to provide protection for victims of abuse by placing conditions on perpetrators could be extended to cover the action called for in the petition; and
- what legislative steps are needed to end joint tenancies where both a victim and perpetrator are named on the tenancy agreement, to ensure the victim is not made homeless along with the perpetrator

As you will be aware, the First Minister announced in her programme for government on 1 September that we will introduce a Bill this year to provide the courts with a new power to impose protective orders (“domestic abuse protective orders” or DAPOs) which can remove a suspected perpetrator of domestic abuse from the home of a person at risk and prohibit them from contacting or otherwise harassing the person at risk while the order is in effect.

The Bill will also create a new ground on which a social landlord can apply to the court to end the tenancy of the perpetrator with a view to transferring it to the victim of domestic abuse or end the perpetrator’s interest in the tenancy where the perpetrator and victim are joint tenants, and enable the victim to remain in the family home.

It is our intention that the powers contained in the Bill will specifically relate to partners and ex-partners. This is in keeping with the Scottish Government’s long-established definition of domestic abuse, which defines it as “gender-based violence, perpetrated by partners or ex partners...”

We expect the Bill to be formally introduced to Parliament in due course, after the pre-introduction steps have been taken.