POLICY NOTE

THE DOMESTIC ABUSE (PROTECTION) (SCOTLAND) ACT 2021 (COMMENCEMENT NO. 1) REGULATIONS 2025

SSI 2025/400 (C. 33)

The above instrument was made in exercise of the powers conferred by section 24(2) of the Domestic Abuse (Protection) (Scotland) Act 2021(**1**) and all other powers enabling them to do so. The instrument is a "laid no procedure" SSI in accordance with section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

Summary Box

These Regulations will bring Part 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 into force on 1 August 2026. They will also bring sections 2 and 3 of that Act into force on that date but only for the purposes of Part 2 – those sections contain a definition of "abusive behaviour" and interpretative provisions.

Policy Objectives

The overarching policy objectives of Part 2 of the 2021 Act are to to improve the immediate and longer term housing outcomes of domestic abuse victims living in social housing who wish to continue living in the family home, including through helping to avoid homelessness. These Regulations commence Part 2 of the 2021 Act along with sections 2 and 3 of the Act. Section 2 of the Act provides a meaning of "abusive behaviour" for the purposes of Part 1 of the Act, and section 3 provides additional clarification as to what behaviour constitutes "abusive behaviour." The description in section 3 is non-exhaustive.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

This section is not applicable for a Commencement Order

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

There has been on-going engagement with the Scottish Courts and Tribunal Service to support commencing these provisions.

Part 2 of the 2021 Act requires Scottish Ministers to consult "such persons as they consider appropriate" in the development of the statutory guidance for the 2021 Act. Key stakeholders including Scottish Women's Aid, Police Scotland, the Scottish Courts and Tribunals Service, the Chartered Institute of Housing Scotland, the Society of Local Authority Lawyers and

(**1**) 2021 asp 16.

Administrators and the Information Commissioner's Office were consulted on the draft statutory guidance required to support the use of the new provisions. The guidance includes information for social landlords on collecting and verifying evidence and the range of factors landlords should be considering in deciding whether raising an action is reasonable and appropriate.

Police Scotland have advised they would not be unable to routinely share information with social landlords unless there is a perceived immediate risk to the victim, and it is proportionate to disclose such information compliant to Data Protection legislation.

Social landlords can utilise information obtained directly from the Scottish Courts and Tribunal Service on domestic abuse convictions (where appropriate) and the victim and any witnesses to demonstrate that domestic abuse has taken place. Police Scotland will deal with data-sharing on a case-by-case basis.

The Scottish Ministers will publish the statutory guidance in advance of Part 2 of the 2021 Act coming into force.

Impact Assessments

A range of impact assessments were carried out for the Domestic Abuse (Protection) (Scotland) Bill 2020 including an Equality Impact Assessment and a Child Rights and Wellbeing Impact Assessment. The impacts as set out in these assessments remain relevant and we are not publishing updated assessments, other than for Child Rights and Wellbeing Impact Assessment for the associated SSIs which require these at this time.

Financial Effects

The Cabinet Secretary for Housing confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Better Homes Directorate

December 2025