

Citizen Participation and Public Petitions Committee
Wednesday 28 January 2026
3rd Meeting, 2026 (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 21 May 2025](#). At that meeting, the Committee agreed to write to the Minister for Victims and Community Safety.
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 Minister for Victims and Community Safety and the Petitioner, which are set out in **Annexe C**.
4. The Social Justice and Social Security Committee undertook an inquiry into Financial Considerations when Leaving an Abusive Relationship and [published its report on 9 July 2025](#). [The Scottish Government issued its response on 16 September 2025](#).
5. The Equalities, Human Rights and Civil Justice Committee undertook an inquiry into Legal Aid, and [published its report on 17 September 2025](#). [The Scottish Government issued its response on 24 November 2025](#).
6. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage](#).

7. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
8. [The Scottish Government gave its initial response to the petition on 1 June 2023.](#)
9. Every petition collects signatures while it remains under consideration. At the time of writing, 112 signatures have been received on this petition.

Action

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

Clerks to the Committee
January 2026

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 21 May 2025

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 possessions and furniture left in the property; and ensuring that victims are consulted before any changes are made to non-harassment orders.

When we previously considered the petition at our meeting on 26 June 2024, we agreed to write to the Minister for Victims and Community Safety. The minister's response states:

“where a Non-Harassment Order ... is made by a civil court following an application by the person at risk, they will ... be notified of any application to revoke or vary the NHO and will be entitled to oppose the application in court.”

The response notes that, when an NHO has been made against an offender as part of their sentencing and they then apply to vary or revoke the order, they are required to serve a copy of the application upon anyone who is named in the NHO, including the victim. In such cases, it is up to the prosecutor to decide whether to oppose the application.

The minister's letter also informs us that, although the Crown Office and Procurator Fiscal Service proactively seeks the views of the person at risk, it does not expressly impart those in open court in order to minimise safety risks to the victim. The minister states that a move from that approach might

“create opportunities for perpetrators to use the court process to further abuse the victim.”

In relation to progress on the implementation of part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021, the minister highlights that work on that

“continues to take some time”

and that it has brought up new challenges but is on-going. The minister stated that she would look to provide a detailed update to the committee in the coming months but, in fact, no update has been provided since July last year.

On legal aid reform, the minister pointed to “The Vision for Justice in Scotland: Three Year Delivery Plan 2023/24 to 2025/26”, which provides for stakeholder engagement on future legislative proposals to reform the legal aid system. At the time when the minister wrote to the committee, it was intended that that work would commence “in early course”, but it is worth noting that the Scottish Government's recently published legislative programme for 2025-26 does not include a proposed bill on legal aid reform and that stakeholder engagement is on-going.

In the light of all of that, do colleagues have any suggestions for action?

Fergus Ewing: This is the other petition that has received my detailed attention. The minister's response was fairly positive, but it is now almost a year old. It stated that work was to commence in early course, but the programme for government contains no reference to that legislation, as the convener said, and it is not clear whether the work has commenced or is to be commenced.

I therefore suggest that we do two things. First, we should write to the minister to seek an update on the submission of 29 July 2024 and, in particular, clarity on whether the work that is referred to in the last paragraph of the letter has commenced. It stated that the Government intended

“to commence this engagement in early course.”

Secondly, the petitioner's response of 30 July 2024 recognised the minister's concern and thanked her for her helpfulness to the committee, but it raised a very interesting point about whether victims are able to apply for an extension of a non-harassment order.

I gather that non-harassment orders are normally granted for a specific period in time. It therefore seems to be an extension of natural justice that, if the victim feels that there is a reason why that time period should be extended, they should have the opportunity to apply to court for an extension thereof. I would therefore be grateful if, in writing to the minister, we could inquire of him whether it is the case that the current law—which I think is, from memory, the Act of Adjournal (Criminal Procedure Rules Amendment No 2) (Non-harassment order) 1997—allows the victim to make such an application, and, if not, whether that would be part of the legislation that the minister is considering bringing in and considering in early course.

The Convener: Are colleagues content to pursue the petition on that basis?

Members *indicated agreement.*

Annexe C: Written submissions

Minister for Victims and Community Safety written submission, 19 June 2025

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

Thank you for your letter of 28 May 2025 in relation to your ongoing consideration of this petition.

Legal Aid Reform

You ask for an update on the engagement work with key stakeholders to inform future legislative proposals to reform the legal aid system which I had previously indicated was due to commence “in early course” in my letter of 29 July 2024.

I am pleased to be able to inform the committee that work in this regard has commenced in earnest. On 27 February 2025 I published a discussion paper on [Legal Aid Reform](#) which set out three key strands of work that the Government will undertake in 2025 and 2026 to improve legal aid, namely:

- Judicare simplifications we can deliver as immediate reform actions in 2025-2026;
- Research on, and reform of, legal aid fees in 2025; and
- Developing a future legal assistance system in 2025 and beyond.

In the short term we intend to make it easier both for solicitors to work with legal aid funding and for users to access it. We have identified priorities to action in 2025-2026 as the first steps in an ongoing plan for the improvement of judicare through a package of reforms which will simplify the current system and address a number of its challenges.

I recognise that longer-term transformational change is needed to fully provide a modern and responsive legal aid system. The Scottish Government is committed to delivering that system and the significant primary legislation which it will require.

We are also committed to discussing the more fundamental changes to the structure, funding and delivery of legal assistance that are needed to build a system fit for the future. This system must be capable of adapting to changes in the wider social and justice environments and offering those in need of legal help and those who provide that help with a better system in which to operate. These discussions will inform the development of primary legislation for a future parliamentary session.

In the context of the petition, I would also like to take this opportunity to inform you that the Scottish Legal Aid Board (SLAB) have updated their guidance to say that they understand that it can be difficult for applicants who have had to flee an abusive or controlling relationship to be able to provide the relevant financial verification to support their civil legal aid applications. SLAB will use their discretion to either

disregard income or capital where they consider it reasonable to do so. This is not a change in policy but a means to raise awareness of SLAB's approach.

More generally, we continue to work closely with our stakeholders to support women to get access to the help they need. Data from SLAB shows that there are cases involving allegations of abuse - so we know firms do take these cases on and legal aid is readily available for protective orders. In addition to recent increases in legal aid fees, we have provided £230k grant funding per year for the last eight years to the Scottish Women's Rights Centre and are providing funding of up to £432k for a pilot in Edinburgh run by Scottish Women's Aid in partnership with Edinburgh Women's Aid and Baker Gostelow Family Law Ltd. Projects such as these will help to inform future services and to target funding in the places it is most needed.

Non-Harassment Orders

You also asked about the possibility of an extension of any applicable time period of a non-harassment order, in both the criminal and civil context.

In the civil context, provision for non-harassment orders is made in sections 8 and 8A of the [Protection from Harassment Act 1997](#), and in the criminal context, provision is made in sections 234A and 234AZA of the [Criminal Procedure \(Scotland\) Act 1995](#). The non-harassment order can require the defender to refrain from such conduct in relation to the pursuer as may be specified in the order (or interlocutor) for such period (which includes an indeterminate period) as may be so specified.

Section 8(7) of the Protection from Harassment Act 1997 provides that:

"Without prejudice to any right to seek review of any interlocutor, a person against whom a non-harassment order has been made, or the person for whose protection the order was made, may apply to the court by which the order was made for revocation of or a variation of the order and, on any such application, the court may revoke the order or vary it in such manner as it considers appropriate."

And Section 234A(6) of the Criminal Procedure (Scotland) Act 1995 provides that:

"The person against whom a non-harassment order is made, or the prosecutor at whose instance the order is made, may apply to the court which made the order for its revocation or variation and, in relation to any such application the court concerned may, if it is satisfied on a balance of probabilities that it is appropriate to do so, revoke the order or vary it in such manner as it thinks fit, but not so as to increase the period for which the order is to run."

Our understanding is that the arrangements for revocation or variation in the criminal context do not allow for an extension of any time period, but in the civil context this is not restricted.

The Scottish Commission's Aspects of Family Law Project is now focussing on [a review of the civil remedies available for domestic abuse](#), which include civil non-harassment orders, as part of the 11th Programme of Law Reform. As you may recall, the Commission has previously responded to an enquiry from the Committee

on Petition 2025. I note the Commission has referenced aspects of Petition 2025 in the initial [Discussion Paper](#) in their review of civil remedies (at paragraphs 5.85 and 5.86).

We will consider the outcomes of the Commission's work when their Report is published as well as the Committee's views on Petition 2025.

I trust the above information is of assistance to the Committee in their continued consideration of this petition.

Yours sincerely,

SIOBHIAN BROWN

Petitioner written submission, 12 January 2026

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

Just some points to address at the next CPPP Committee Meeting.

1. Have the judicare simplifications been actioned? If so what does that mean for victims?

2. Have the legal aid reforms already legislated been implemented?

3. Has the future legal assistance system been developed/implemented?

N.B. Will victims of domestic abuse receive free legal aid/assistance to assist in divorce proceedings (or other legal proceedings necessary due to the abuse) regardless of income?

4. Do SLAB currently have powers of discretion in this matter and if so how is this communicated to the victim?

5. Has the review of civil Remedies available for domestic abuse been completed and if so what was the outcome in relation to this case?

6. There needs to be a clear 'pathway' for victims who are asking for Civil NHO's to be extended - If there is one, how is this shared with victims.

7. Whilst my sister's views were not sought when the NHO was being considered, I understand the reason behind the current approach concerning those orders made by the court i.e. to protect the victim from further abuse.

8. Has the Vision for Justice In Scotland commenced engagement to shape the future legislative proposals? How do I get involved with this?

9. Has the part of the Domestic Abuse (Protection) Scotland Act 2021 that can prevent perpetrators from returning to the marital home in force yet? If so, how are victims being made aware of this?

N.B. We still have not addressed the very detrimental effect of continued abuse by proxy of the perpetrator's family towards the victim in addition to the perpetrator being able to approach/threaten the victim's family members?

10. Are Domestic Abuse Protection Notice powers now in use? If so, do the police on the ground know this and how are victims informed? (This can give up to 3 months breathing space for victims to manage accommodation and finances).

11. In the case of challenges faced in implementing such legislation, why not adopt a 'Pathway Approach' whereby the initial offence triggers a legal pathway that is automatically implemented.

12. Is it the case that Victims can apply to the court for an exclusion order and if so, how is this communicated to the victim/police?