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DOMESTIC VIOLENCE ACT

CHAPTER 45:56

Act
27 of 1999
Amended by
8 of 2006
*11 of 2012
18 of 2020
7 of 2021

(*See Note on page 2)



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CONSOLIDATION

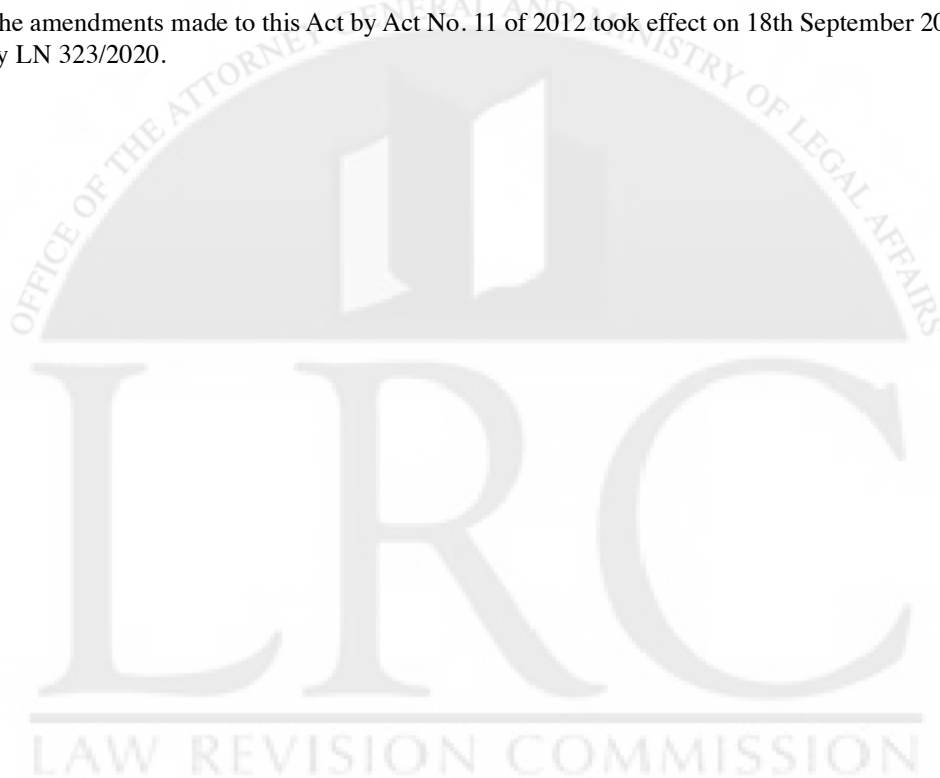
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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Act No. 11 of 2012

The amendments made to this Act by Act No. 11 of 2012 took effect on 18th September 2020 by LN 323/2020.



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DOMESTIC VIOLENCE ACT

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LAW REVISION COMMISSION

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CHAPTER 45:56

DOMESTIC VIOLENCE ACT

27 of 1999. **An Act to provide greater protection for victims of domestic violence.**

Commencement. [12TH OCTOBER 1999]

Preamble. WHEREAS incidents of domestic violence continue to occur with alarming frequency and deadly consequences:

And whereas it has become necessary to reflect the community's repugnance to domestic violence in whatever form it may take and further influence the community's attitude and support social change in respect of this social ill:

And whereas the Government is of the view that one way to achieve these goals is to strengthen legislation to ensure a prompt and equitable legal remedy for victims of domestic violence:

And whereas it is provided by subsection (1) of section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 13 that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

PART I

PRELIMINARY

Short title. **1. (1) This Act may be cited as the Domestic Violence Act.**

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution. Act inconsistent with Constitution.

2. The objects of the Act are *inter alia* to— Objects of the Act.

- (a) provide immediate injunctive relief to victims of domestic violence; and
- (b) ensure a prompt and just legal remedy for victims of domestic violence.

3. (1) In this Act— Interpretation.
[18 of 2020].

“adoption order” has the meaning assigned to it under section 2 of the Adoption of Children Act; Ch. 46:03.

“adult” means a person who is eighteen years of age and over;

“applicant” means a person—

- (a) who applies on his own behalf;
- (b) on whose behalf an application is made; or
- (c) who applies through another person,

for a Protection Order under section 4;

“Attorney-at-law” means a person whose name is entered on the Roll in accordance with the Legal Profession Act; Ch. 90:03.

“Care Order” means an order made under section 25C of the Children’s Authority Act; Ch. 46:10.

“child” means a person under the age of eighteen years who is not or has not been married and—

- (a) who is in a relationship of consanguinity or affinity with—
 - (i) the applicant;
 - (ii) the respondent;
 - (iii) a spouse or former spouse of the respondent;
 - (iv) a cohabitant or former cohabitant of the respondent; or
 - (v) a relative of the respondent;

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- (b) who is in relation to a person referred to in paragraph (a)(i) to (iv)—
- (i) an adopted child;
 - (ii) the subject of an adoption order and who is in the care and control of the person seeking the adoption order;
 - (iii) a foster child or has been a foster child;
 - (iv) the subject of a Fit Person Order; or
 - (v) treated as a child of the family;
- (c) in relation to whom a person referred to in paragraph (a)(i) to (iv) is his guardian;
- (d) for whom a person referred to in paragraph (a)(i) to (iv) has responsibility;
- (e) who ordinarily or periodically resides or resided with a person referred to in paragraph (a)(i) to (iv);
- (f) who would be in a relationship of affinity with the respondent if the respondent and a person referred to in paragraph (a)(iv) were able to be married;
- (g) in respect of whom a Care Order or a Wardship Order has been made; or
- (h) who resides in a Children's Home, where the respondent is a Manager or employee of, engaged in employment at, or a volunteer at, the Children's Home;

Ch. 4:23. "Children Court" has the meaning assigned to it under section 3(1) of the Family and Children Division Act;

Ch. 46:01. "Children's Attorney" has the meaning assigned to it under section 3 of the Children Act;

Ch. 46:04. "Children's Home" has the meaning assigned to it under section 2 of the Children's Community Residences, Foster Care and Nurseries Act;

"Clerk" means the Registrar of the Supreme Court, Deputy Registrar of the Supreme Court, Assistant Registrar of the

Supreme Court, Senior Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court;

“cohabitant” means a person who is living with a person of the opposite sex as a husband or wife although not legally married to that person and “former cohabitant” shall be construed accordingly;

“Court” means the High Court or a Court of Summary Jurisdiction;

“dating relationship” means a relationship where the parties do not live together in the same household, but may be engaged in romantic, intimate or sexual relations;

“dependant”, in relation to a respondent, means an adult—

- (a) who, by reason of physical or mental disability, age or infirmity; or
- (b) under the age of twenty-five years who is receiving education at an educational institution or undergoing training for a trade, profession or vocation and who,

is reliant for his welfare on either the respondent or a person with whom the respondent is in a domestic relationship;

“domestic relationship” means the relationship between a respondent and a person, where the person—

- (a) is, in relation to the respondent—
 - (i) a spouse or former spouse;
 - (ii) a cohabitant or former cohabitant;
 - (iii) a child;
 - (iv) a dependant;
 - (v) a relative;
 - (vi) a person who has agreed to marry the respondent whether or not that agreement has been terminated;

(b) is or was, in relation to the respondent—

- (i) a person in a visiting relationship; or
- (ii) a person in a dating relationship;

- (c) would be a relative of the respondent, related by marriage, if the respondent and a person referred to in paragraph (a)(ii) were married to each other;
- (d) is a member of the same household as the respondent or the applicant;
- (e) has a child in common with the respondent; or
- (f) is an adult in a residential institution and the respondent is—
 - (i) an owner or, a manager or employee of the institution; or
 - (ii) a volunteer or a person engaged in employment at the institution;

“domestic violence” includes physical, sexual, emotional or psychological or financial abuse committed by a respondent against a person who is in a domestic relationship with the respondent;

“emotional or psychological abuse” means—

- (a) any act, omission or a pattern of behaviour of any kind, the purpose of which is to undermine the emotional or mental well-being of a person who is in a domestic relationship with the respondent including—
 - (i) intimidation by the use of abusive or threatening language;
 - (ii) giving offensive material to that person or leaving it where it will be found by, or brought to the attention of the person;
 - (iii) following the person from place to place;
 - (iv) depriving that person of the use of his property;
 - (v) the surveilling, watching or besetting, by any means, of the person or of the place where the person resides, works, carries on business or happens to be;
 - (vi) interfering with or damaging the property of the person;

- (vii) the forced confinement of the person;
- (viii) making unwelcome or intimidatory contact with the person by any means, including in person, verbally or by gesture, letter, telephone or electronic means;
- (ix) disseminating intimate images of the applicant or a child of the applicant electronically or by any other means;
- (x) making unwelcome or intimidatory contact with or acting in any manner described in subparagraphs (i) to (v) towards—
- (A) a child or dependant of the person;
 - (B) a spouse or former spouse of the person;
 - (C) a cohabitant or former cohabitant of the person;
 - (D) a relative of the person;
 - (E) a person who is in a visiting or dating relationship with the person; or
 - (F) a person who is in a close relationship with the person,
- by any means, including in person, verbally or by gesture, letter, telephone or electronic means;
- (xi) preventing a person from making or keeping connection with his family or friends;
- (xii) any other controlling, threatening, intimidating or coercive behaviour towards the person or his child or dependant;
- (xiii) behaviour referred to in subsection (2); or
- (b) any act or omission or threatened act or omission that causes the person to fear for his safety or the safety of a child or dependant;

“Family Court” has the meaning assigned to it by section 3(1) of the Family and Children Division Act;

“financial abuse” means a pattern of behaviour of a kind, the purpose of which is to exercise coercive control over, or exploit or limit a person’s access to financial resources so as to ensure financial dependence;

“guardian”, in relation to a child, includes—

- (a) a person appointed to be his guardian by deed or will, or by order of a court of competent jurisdiction;
- (b) a person who has custody of that child within the meaning of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act; and
- (c) any person who, in the opinion of a Court, has responsibility for the child;

Ch. 46:08.

“Interim Order” means an Order made under section 8;

“member of the same household”, in relation to an applicant or a respondent, means a person who ordinarily or periodically resides in the same dwelling house as the applicant or respondent and—

- (a) is related to the applicant or respondent by consanguinity, affinity or adoption;
- (b) is or has been the subject of—
 - (i) an order under section 9 or 13 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act; or
 - (ii) a Fit Person Order or a Foster Care Order under section 25 of the Children’s Authority Act; or
- (c) is or has been treated like a child of the family;

“Minister” means the Minister to whom responsibility for Gender Affairs is assigned;

“Order” includes an Interim Order and Protection Order;

“parent” means a person who is a parent or grandparent in relation to a child, dependant, spouse or respondent as the case may be—

- (a) by blood;
- (b) by marriage;
- (c) by adoption; or
- (d) within the meaning of the Family Law Ch. 46:08.
(Guardianship of Minors, Domicile and Maintenance) Act;

“physical abuse” means any act or omission which causes physical injury and includes the commission of or an attempt to commit any of the offences listed in the First Schedule; First Schedule.

“Protection Order” means an Order made pursuant to section 5;

“Register” means the National Domestic Violence Register established under section 21(1);

“relative”, in relation to a person, means any of the following who is related to the person by consanguinity, affinity or adoption:

- (a) father, mother, grandfather, grandmother, step-father, step-mother, father-in-law or mother-in-law;
- (b) a son, daughter, grandson, granddaughter, stepson, stepdaughter, son-in-law or daughter-in-law;
- (c) a brother, sister, half-brother, half-sister, stepbrother, stepsister, brother-in-law or sister-in-law;
- (d) an uncle, aunt, uncle-in-law or aunt-in-law;
- (e) a nephew or niece; or
- (f) cousin;

“representative”, in relation to a dependant or an adult in a residential institution, means—

- (a) an Attorney-at-law; or
- (b) a person appointed by the Court;

“residential institution” means premises, other than a hospital or other medical institution, used for the purpose of caring for and housing of adults, including persons with mental or physical disabilities and elderly persons;

“respondent” means a person against whom an application for a Protection Order is made;

“responsibility” has the meaning assigned to it under section 3 of the Children Act;

Ch. 11:28.
Ch. 46:01.

“sexual abuse” includes sexual conduct of any kind that is coerced by force or threat of force and the commission of or an attempt to commit any of the offences listed under the Sexual Offences Act or the Children Act in the First Schedule;

“social worker” means a public officer experienced or qualified in social work or a person experienced or qualified in social work and employed on contract by the State;

“spouse” means a party to a marriage and “former spouse” shall be construed accordingly;

“visiting relationship” means a non-cohabitational relationship which is otherwise similar to the relationship between husband and wife;

Ch. 46:08.

“Wardship Order” means an order made under section 35 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act.

(2) Subject to subsection (3), a person emotionally or psychologically abuses a child if that person—

(a) causes or allows the child to see or hear, or experience the effects of; or

(b) puts the child, or allows the child to be put, at real risk of seeing, hearing or experiencing the effects of,

the physical or sexual abuse of, or any behaviour described in subparagraphs (i) to (xi) of the definition of “emotional or psychological abuse” in subsection (1) in relation to, a person with whom the child has a domestic relationship.

(3) The person who suffers that abuse shall not be regarded, for the purposes of this subsection, as having caused or

allowed the child to see, hear or experience the effects of the abuse, or, as the case may be, as having put the child, or allowed the child to be put, at risk of seeing, hearing or experiencing the effects of the abuse.

PART II

PROTECTION ORDERS

4. (1) An application for a Protection Order may be made by a person in a domestic relationship with the respondent, on the ground that the respondent engaged in domestic violence against that person. Persons entitled to apply. [18 of 2020].

(2) A child who is under the age of sixteen years shall apply for a Protection Order through—

- (a) a parent, a guardian, a person with responsibility for the child or a person who is in *loco parentis* to the child;
- (b) an adult member of his household; or
- (c) the Children's Authority.

(3) A child who is sixteen years of age or over may apply for a Protection Order on his own behalf or through a person referred to in subsection (2).

(4) Notwithstanding subsection (3), the Court may, on the application of a child on his own behalf under subsection (3), make an order requiring the child to conduct proceedings through a person referred to in subsection (2)(a) or (b).

(5) An adult in a residential institution, or a dependant may apply for a Protection Order on his own behalf.

(6) Notwithstanding subsection (5)—

- (a) a spouse or former spouse;
- (b) a cohabitant or former cohabitant;
- (c) an adult member of his household;
- (d) a relative; or
- (e) a representative,

may apply for a Protection Order on behalf of an adult in a residential institution or a dependant.

- (7) Notwithstanding subsections (2), (3) and (6)—
- (a) a police officer;
 - (b) a probation officer;
 - (c) a social worker;
 - (d) the Children’s Authority; or
 - (e) a person who, in the opinion of the Court, is acting in the interest of the child,

may apply for a Protection Order on behalf of any person referred to in subsection (1).

(8) Notwithstanding subsection (7), where a police officer, probation officer or social worker has reason to believe that a child has suffered or is in imminent danger of physical injury at the hands of another person in a situation amounting to domestic violence, he shall forthwith apply for a Protection Order on behalf of the child.

(9) Where, during any proceedings, the Court becomes aware that a child has suffered, is suffering or is likely to suffer from domestic violence, the Court may issue a Protection Order in respect of that child.

Power to make
a Protection
Order.
[18 of 2020].

5. (1) Where, on an application made by a person described in section 4, the Court is satisfied, on a balance of probabilities, that a person has engaged, is engaging or is likely to engage, in conduct that constitutes domestic violence, the Court may issue a Protection Order containing any or all of the prohibitions or directions referred to in section 6.

(2) The Court shall grant a Protection Order where it is satisfied that the respondent—

- (a) is engaging in or has engaged in domestic violence against the applicant; or
- (b) is likely to engage in conduct that would constitute domestic violence,

and in either case, having regard to all the circumstances, the Order is necessary for the protection of the applicant.

(3) A Court shall not refuse to grant an Interim Order or Protection Order on the basis only that a single act or omission or a single threat has been made by the respondent.

6. (1) A Protection Order may—

(a) prohibit the respondent from—

- (i) engaging or threatening to engage in conduct which would constitute domestic violence towards the applicant;
- (ii) being on premises specified in the Order, that are premises frequented by the applicant including any residence, property, business, school or place of employment;
- (iii) being in a locality specified in the Order;
- (iv) engaging in direct or indirect communication with the applicant;
- (v) taking possession of, damaging, converting or otherwise dealing with property that the applicant may have an interest in, or is reasonably used by the applicant, as the case may be;
- (vi) approaching the applicant within a specified distance;
- (vii) approaching a named person who is in a domestic relationship with the applicant or the respondent;
- (viii) causing or encouraging another person to engage in conduct referred to in paragraphs (i) to (vii); or
- (ix) any other prohibition that the Court thinks fit; and

(b) direct that the respondent—

- (i) return to the applicant specified property that is in his possession or under his control;
- (ii) pay compensation for monetary loss incurred by an applicant as a direct result of conduct that amounted to domestic violence;

Terms of
Protection
Order.
[11 of 2012
18 of 2020
7 of 2021].

- (iii) pay interim monetary relief to the applicant for the benefit of the applicant and any child, where there is no existing order relating to maintenance until such time as an obligation for support is determined, pursuant to any other written law;
 - (iv) immediately vacate any place or residence for a specified period, whether or not the residence is jointly owned or leased by the respondent and the applicant, or solely owned or leased by the respondent or the applicant;
 - (v) relinquish to the police any firearm licence, Pepper Spray Import Permit or Pepper Spray Permit, firearm or other weapon, or pepper spray which he may have in his possession or control and which may or may not have been used;
 - (vi) make or continue to make payments in respect of rent, mortgage or utilities for premises occupied by the applicant;
 - (vii) ensure that reasonable care is provided in respect of a child or dependant person; or
 - (viii) or applicant or child, receive professional counselling or therapy from any person or agency or from a programme which is approved by the Minister in writing; and
- (c) direct that the applicant immediately occupy any place or residence, whether or not the residence is jointly owned or leased by the respondent and the applicant, or solely owned or leased by the respondent or the applicant.

(1A) The Court may—

- (a) refuse the respondent contact with any child, if it is shown that such contact is not in the best interest of the child; or
- (b) order structured contact between the respondent and a child.

(2) A Protection Order may contain such other prohibitions and directions as consented to by the applicant or respondent or both.

(3) Where the Court makes an Order which, *inter alia*, directs counselling under subsection (1)(b)(viii), the Order shall specify—

- (a) that the Court receive written notification from the counsellor or therapist of sessions missed without reasonable excuse; and
- (b) the date by which the counsellor or therapist shall submit a report to the Court in respect of the counselling or therapy, such report to include a prognosis for recovery.

(3A) The Court may also impose electronic monitoring on the respondent as a condition of a Protection Order, in accordance with the Administration of Justice (Electronic Monitoring) Act, 2012.

(4) Where the Court makes an Order which, *inter alia*, directs the payment of compensation under subsection (1)(b)(ii), such compensation shall include, but not be limited to—

- (a) loss of earnings;
- (b) medical and dental expenses;
- (c) moving and accommodation expenses;
- (d) reasonable legal costs, including the cost of an application pursuant to this Act.

(5) The Court shall have jurisdiction to award such compensation as the Court thinks fit and the payment of such compensation shall be received by the Court on behalf of the applicant.

(6) Where the Court makes an Order which *inter alia*—

- (a) directs that the respondent vacate any place or residence; or
- (b) directs the respondent to return to the applicant specified property that is in his possession or control, the Court may, in that same Order, if it thinks necessary and notwithstanding any other law, in the same Order, direct the police to remove the respondent either immediately or within a

specified time from the said place or residence, or to accompany the applicant, as the case may be, either immediately or within a specified time to specified premises in order to supervise the removal of property belonging to the applicant and to ensure the protection of that person.

Ch. 46:08. (7) The Court, when making a Protection Order, may also make an Order under section 25 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act for the duration of the Protection Order where no order under that Act is already in force and an Order so made under this Act shall be deemed to be an Order made in accordance with an application under section 25 of that Act.

Ch. 46:08. (8) A breach of an Order made under subsection (7) shall be deemed to be a breach of an Order made under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act and shall be dealt with in accordance with that Act.

(9) A Protection Order may be made for such period as the Court considers necessary but shall not exceed three years.

(10) Where the Order contains any prohibitions or directions, the Court may specify different periods, none of which shall exceed three years as the period for which each prohibition or direction shall remain in force.

Protection Order to apply to child. [18 of 2020]. **6A.** A Protection Order granted to an applicant shall apply to a child of the applicant or the respondent, unless the Court orders otherwise.

Matters to be considered. [18 of 2020]. **7. (1)** In determining whether or not to impose one or more of the prohibitions or directions specified under section 6, the Court shall have regard to the following:

- (a) the nature, history or pattern of the violence that has occurred and whether a previous Protection Order or Interim Order has been issued;
- (b) the need to protect the applicant and any other person for whose benefit the Protection Order has been granted from further domestic violence;

- (c) the welfare of any child;
- (d) the accommodation needs of the applicant and any other person;
- (e) the hardship that may be caused as a result of the making of the Order;
- (f) the income, assets and financial obligations of the respondent, the applicant and any other person affected by the Order;
- (g) where applicable, any risk assessment ordered under subsection (2);
- (h) any other matter, that in the circumstances of the case, the Court considers relevant.

(2) Without prejudice to the power of the Court to grant an Interim Order or a Protection Order on the basis only that a single act or omission or a single threat has been made by the respondent, the Court may, for the purposes of determining whether or not to grant a Protection Order or to impose one or more of the prohibitions or directions specified under section 6, order a police or social worker to submit such risk assessment as may be prescribed by regulations.

8. (1) On an application for a Protection Order, the Court may make an Interim Order, pending the hearing and determination of the proceedings—

Interim Orders.
[11 of 2012
18 of 2020].

- (a) if it appears necessary or appropriate to do so in order to ensure the safety and protection of the applicant; or
- (b) where, at the second hearing of the application, an adjournment is required—
 - (i) by the Court; or
 - (ii) on account of—
 - (A) the failure to effect service on the respondent or any other party; or
 - (B) any act or omission by the respondent.

(2) An Interim Order may be made by the Court at any time either before or during the hearing of the application whether or not—

- (a) the respondent is present at the proceedings; or
- (b) the respondent has been given notice of the proceedings.

(3) An Interim Order shall remain in force until—

- (a) it is revoked;
- (b) the application for a Protection Order is withdrawn or dismissed; or
- (c) a Protection Order is made.

(4) An Interim Order may contain any or all of the prohibitions or directions specified in section 6 but shall not contain directions for electronic monitoring.

(5) Subject to section 19A, where an Interim Order is made by the Court, it shall summon the respondent to appear at a further hearing of the matter as soon as possible after the making of the Interim Order, and at such further hearing the Court may—

- (a) *(Deleted by Act No. 18 of 2020);*
- (b) revoke the Interim Order; or
- (c) hear the application and make a Protection Order under section 5 in substitution for the Interim Order,

whether or not the respondent appears at the proceedings.

Undertakings.
[18 of 2020].

9. (1) In proceedings under this Act the Court may at any time before, during or after the taking of evidence, accept an Undertaking from the respondent given under oath, that the respondent shall not engage in conduct specified in the application or any other conduct that constitutes domestic violence.

(2) Where an Undertaking is given under subsection (1) the Court shall make a Protection Order or Interim Order, as it deems fit, in respect of the Undertaking.

(3) An Undertaking may deal with all matters that may be dealt with under a Protection Order or Interim Order as the Court sees fit, having regard to the matters referred to in section 7.

(4) An Undertaking remains in force for the period stated in the Undertaking, but shall not exceed three years.

(5) Sections 15, 16, 17 and 18, Part IV and Part V apply in relation to an Undertaking as they do to a Protection Order and Interim Order.

PART III

PROCEEDINGS IN RESPECT OF AN APPLICATION FOR A PROTECTION ORDER

10. (1) An application for a Protection Order shall be in the form set out as “Form 1” in the Second Schedule, and shall be filed with the Clerk. Application. Form 1. Second Schedule. [18 of 2020].

(1A) An application referred to in subsection (1) may be accompanied by evidence given on affidavit in the form set out as “Form 1A” in the Second Schedule.

(1B) It is not necessary to call a person who made an affidavit pursuant to subsection (1A), to give evidence unless a party to the proceedings or the Court so requires.

(2) Except as otherwise provided for by this Act, the Summary Courts Act shall apply *mutatis mutandis* in respect of proceedings in a Court of Summary Jurisdiction under this Act. Ch. 4:20.

(3) Proceedings in respect of an application for a Protection Order shall be held *in camera* unless the Court directs otherwise.

(4) Where an application is made on behalf of a child—
(a) a parent of the child;
(b) a guardian of the child;
(c) a person with responsibility for the child; or
(d) a person who is in *loco parentis* to the child,
is entitled to be a party to the proceedings.

(4A) Where an application is made on behalf of a dependant—

- (a) a parent of the dependant;
- (b) a guardian of the dependant;

(c) a person with whom the dependant normally resides; or

(d) a person with whom the dependant resides on a regular basis,

is entitled to be a party to the proceedings.

(5) Nothing in subsection (4) shall prevent a child or dependant, on whose behalf an application for an Order is made, from being heard in the proceedings and where the child or dependant expresses views, the Court shall take account of those views having regard to the age and maturity of the child or dependant and ability of the child or dependant to express such views.

Date of hearing
of application.
[18 of 2020].

11. (1) Subject to subsection (2), the Clerk shall fix a date for the hearing of the application which shall be no more than seven days after the date on which the application is filed.

(2) Where the Court makes an order for substituted service under section 12(1C), the Clerk shall fix a date for the hearing of the application which shall be no more than twenty-one days after the date on which the application is filed.

Notice of
proceedings.
[18 of 2020].

12. (1) The Court shall cause a copy of an application for a Protection Order, together with the notice of the date on which, and the time and place at which, the application is to be heard, to be served personally on the respondent.

(1A) The Court shall not require an application for a Protection Order or notice of the date on which, and the time and place at which, an application for a Protection Order is to be heard, to be served on the respondent by the applicant or through an agent of the applicant.

(1B) Where the Court directs or otherwise causes a person to serve documents referred to in subsection (1), the Court shall—

(a) where the person is not a police officer, provide the person with copies of the documents; or

- (b) where the person is a police officer, provide the officer in charge of the police station to which the police officer is assigned, with copies of the documents,

and direct the person to serve the documents within five days of his receipt of the documents.

(1C) Where a person who is required to serve documents pursuant to subsection (1B) is unable or otherwise fails to effect service on the respondent, within five days after his receipt of those documents—

- (a) he shall, within two days, file a notice in the form set out as “Form 1B” in the Second Schedule informing the Clerk of his failure to effect service;
- (b) the Clerk shall immediately bring the notice to the attention of a Judge or Magistrate; and
- (c) the Judge or Magistrate shall make an order for substituted service.

(2) A notice of proceedings under subsection (1) or (3), shall be in the form set out as “Form 2” in the Second Schedule.

Form 2.
Second
Schedule.

(3) Where an application is filed in respect of a child or dependant, a copy of the application, together with notice of the date on which, and the time and place at which, the application is to be heard, shall as soon as practicable, be served on—

- (a) a parent or guardian of, a person with responsibility for, or a person who is in *loco parentis* to, the child; or
- (b) a parent or guardian of the dependant, or a person with whom the dependant normally resides or resides with on a regular basis,

and subject to subsection (1A), the Court may cause service to be effected by the applicant or through an agent of the applicant, or by such other person as the Court may direct.

(4) A notice of proceedings which is issued and served under this section is deemed to be a summons that is duly issued and served and compels the respondent to appear in Court to answer the application.

(5) Subject to subsection (1A), a notice of proceedings issued under this section may be served by the applicant or his agent and the Court shall receive proof of such service by affidavit in the form set out as “Form 3” in the Second Schedule.

Form 3.
Second
Schedule.

(6) Where the hearing of an application is adjourned because the application and the notice of proceedings have not been served on the respondent, the time and place fixed by the Court for the adjourned hearing, shall be the date, time and place stated in the new notice of proceedings.

Absence of
respondent.

13. Where notice of the proceedings has been served on the respondent in accordance with section 12 and the respondent fails to appear in person at the time fixed for the hearing the Court may—

- (a) proceed to hear and determine the matter in the respondent’s absence; or
- (b) where the Court is satisfied, having regard to the materials before it, that it is appropriate to do so, adjourn the matter and issue a warrant for the respondent to be apprehended and brought before the Court.

Absence of
applicant.
[18 of 2020].

14. If, on the date of the hearing of an application for a Protection Order, the respondent appears in Court, but neither the applicant nor the person on whose behalf the application is made appears either in person or represented by his Attorney-at-law, the Court may—

- (a) dismiss the application, unless the application is accompanied by evidence on affidavit in accordance with section 10(1A);
- (b) having received a reasonable excuse for the non-appearance of the applicant or other person, adjourn the hearing upon such terms as it deems just; or
- (c) where it is satisfied, having regard to the submissions before it, that it is appropriate for

evidence to be given by affidavit, the Court may so direct, but the Court shall, on the application of any other party, order the attendance for cross-examination of the person making any such affidavit.

15. Where the Court proposes to make a Protection Order or an Interim Order, and the respondent is before the Court, the Court shall explain to the respondent—

Explanation of Orders.

- (a) the purpose, terms and effect of the Order;
- (b) the consequences of failing to comply with the Order; and
- (c) the means by which the Order may be varied or revoked.

16. (1) Where a Protection Order or Interim Order is made or varied by the Court—

Service of Orders.
[18 of 2020].

- (a) the Clerk shall arrange for the Order to be drawn up in the form set out as “Form 4” in the Second Schedule and filed in the Court; and
- (b) the Court shall, subject to subsection (2), direct or otherwise cause a person to serve a copy of the Order on—
 - (i) the respondent;
 - (ii) any other person to whom the Order is to apply whether or not the person is a party to the proceedings;
 - (iii) the police officer in charge of the station located nearest to the area where the respondent resides;
 - (iv) the police officer in charge of the station in the area where the applicant resides, if the applicant does not reside in the area referred to in subparagraph (iii);
 - (v) the police officer in charge of the station in the area nearest to where the applicant works, if different from where he lives; and

Form 4.
Second Schedule.

(vi) the police officer in charge of the station in the area where any child is attending school.

(c) *(Deleted by Act No. 18 of 2020).*

(2) The Court shall not require an Order to be served on the respondent by the applicant or through an agent of the applicant.

(3) Where the Court directs or otherwise causes a person to serve an Order pursuant to subsection (1), the Court shall direct the person to serve the Order within three days.

(4) Where a person who is required to serve an Order pursuant to subsection (1) is unable or otherwise fails to effect service on the respondent within the period specified in subsection (3)—

- (a) he shall, within two days, file a notice in the form set out as “Form 1B” in the Second Schedule, informing the Clerk of his failure to effect service;
- (b) the Clerk shall immediately bring the notice to the attention of a Judge or Magistrate; and
- (c) the Judge or Magistrate shall make an order for substituted service.

Service other than personal service.
[18 of 2020].

17. (1) Where, the Court has not been able to serve notice of proceedings or of the Protection Order or the Interim Order, as the case may be, upon the respondent personally, it may make an order for substituted service of the notice of proceedings or of the Protection Order or the Interim Order, as the case may be.

(2) For the purpose of subsection (1) “substituted service” means—

- (a) registered post to the last known address of the respondent;
- (b) leaving the document at the last known address of the respondent;
- (c) service by advertisement in two daily newspapers which service is deemed to have been effected at

midnight on the date of the later advertisement, the cost to be borne by the applicant; or

(d) such other manner as the Court may direct.

18. A respondent shall not be bound by a Protection Order or Interim Order— Respondent to have notice.

(a) where he was not present at the time of the making of the Order; or

(b) where the Order has not been served on him personally or in accordance with section 17.

PART IV

VARIATION, DURATION AND REVOCATION OF ORDERS

19. (1) Where an Order is in force, a party to the proceedings in respect of whom the Order was made may apply to the Court in the form set out as “Form 5” in the Second Schedule, for an Order varying or revoking the original Order. Variation and revocation of Orders. Form 5. Second Schedule. [18 of 2020].

(2) On an application under subsection (1), the Court may, by Order, in the form set out as “Form 6” in the Second Schedule vary or revoke the Order.

(3) A copy of an application under this section shall be served on each person who was a party to the proceedings in respect of which the original Order was made.

(4) In determining whether to vary or revoke an Order the Court shall have regard to the matters specified in section 7.

PART IVA

EMERGENCY PROTECTION ORDERS

19A. (1) Notwithstanding section 10(1), where a Court is not sitting or it is not practicable for the applicant to access the Court under section 8— Emergency application. [18 of 2020].

(a) a police officer of or above the rank of Assistant Superintendent; or

(b) where the application relates to a child, the Children's Authority, may, on behalf of the applicant, make an emergency application to a Master or Judge of the Family Court or Children Court for a Protection Order where the applicant is in a domestic relationship with the respondent and has suffered, or is in imminent danger of, serious physical injury at the hands of the respondent.

(2) An emergency application under subsection (1) may be made by telephone, video conference or other appropriate electronic means.

(3) Where a Judge or Master of the Family Court or Children Court is satisfied that the urgency of the circumstances referred to in subsection (1) so requires, he may—

- (a) dispense with the requirement for an application for a Protection Order under section 10(1) and proceed to hear the emergency application; and
- (b) grant an Interim Order in accordance with section 8.

(4) Where a Judge or Master grants an Interim Order under subsection (3), he shall order the police officer to cause—

- (a) the application for the Protection Order to be filed in such Court as the Judge or Master may direct, in a period of within forty-eight hours of the making of the Interim Order or on the date of the next sitting of the Court after the expiration of that period; and
- (b) the Interim Order be served on the respondent, forthwith.

(5) The Court referred to in subsection (4) shall summon the applicant and the respondent to appear for the hearing of the matter as soon as possible after the filing of the application for the Protection Order.

PART V
ENFORCEMENT OF ORDERS

20. (1) Subject to subsection (2) a person against whom an Order has been made and who— Breach of Orders. [18 of 2020].

- (a) has had notice of the Order; and
- (b) contravenes any provision of the Order or fails to comply with any direction of the Court,

commits an offence and is liable—

- (i) on a first conviction to a fine of fifty thousand dollars and to imprisonment for one year;
- (ii) on a second conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for three years;
- (iii) on any subsequent conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for five years.

(2) Where an Order contains a direction of the Court pursuant to section 6(1)(b)(viii) that the respondent seek counselling or therapy and it is brought to the attention of the Court that the respondent has refused or neglected to comply with such a direction and the Court finds that such refusal or neglect was unreasonable, the respondent commits an offence and is liable to a fine of six thousand dollars.

20A. (1) Notwithstanding sections 4 and 10, where a Court convicts a person of a serious criminal offence, the Court may, where the victim is in a domestic relationship with the convicted person and with the consent of the victim— Court may make Protection Order when victim is in serious physical harm. [18 of 2020].

- (a) make a Protection Order against the convicted person for the protection of the victim; or
- (b) where a Protection Order is, at the time of the proceedings, already in force against the convicted person in relation to the victim, extend the duration of the Protection Order.

(2) Notwithstanding section 6(9), a Protection Order referred to in subsection (1) may be made or extended for a period exceeding three years, taking into consideration the need to protect the victim, following any period of imprisonment imposed by the Court.

(3) A “serious criminal offence” means any offence listed in the Third Schedule.

PART VI

**NATIONAL DOMESTIC VIOLENCE REGISTER FOR
DOMESTIC VIOLENCE COMPLAINTS AND
DUTY OF POLICE OFFICERS TO RESPOND**

National
Domestic
Violence
Register.
[18 of 2020].

21. (1) The Commissioner of Police shall establish and maintain, in electronic form, a National Domestic Violence Register.

(2) It shall be the duty of a police officer responding to a domestic violence complaint to complete a domestic violence report which shall form part of the Register.

(2A) The Commissioner of Police shall ensure that all Orders and domestic violence reports are entered in the Register.

Form 7.
Second
Schedule.

(3) A domestic violence report shall be in the form set out as “Form 7” of the Second Schedule and shall include but not be limited to—

- (a) the names of the parties;
- (b) the relationship and sex of the parties;
- (c) information relating to the history of domestic violence between the parties;
- (d) the date and time the complaint was received;
- (e) the type of the abuse and the weapon used, if any.

(4) The Register shall be accessible to police officers in each police station but shall not be accessible to the public.

(5) The Commissioner of Police shall have control and custody of the Register and shall be responsible for—

- (a) maintaining the Register;

- (b) ensuring that information is entered into the Register in accordance with this Act and any other written law; and
- (c) ensuring that the information entered into the Register is accurate.

(6) The Commissioner of Police shall make reasonable security arrangements to protect the information contained in the Register against unauthorised access, collection, misuse, alteration, disclosure or disposal.

(7) Any person who intentionally and without lawful excuse or justification extracts, alters, removes, reproduces, shares or uses any information contained in the Register, commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for three years.

21A. (1) A police officer shall—

- (a) respond to every complaint or report alleging domestic violence;
- (b) make a detailed record of every complaint or report alleging domestic violence made in person or by electronic means; and
- (c) provide the person making the complaint or report with a copy of the record.

Duty of police officer.
[18 of 2020].

(2) A police officer shall investigate every complaint or report alleging domestic violence.

22. Where a Court is satisfied, by information on oath, that—

- (a) there are reasonable grounds to suspect that a person on premises has suffered or is in imminent danger of physical injury at the hands of another person in a situation amounting to domestic violence and needs assistance to deal with or prevent the injury; and

Issue of warrant.
[18 of 2020].

- (b) a police officer has been refused permission to enter the premises for the purpose of giving assistance to the first mentioned person in paragraph (a),

the Court may issue a warrant in writing authorising a police officer to enter the premises specified in the warrant at any time within twenty-four hours after the issue of the warrant and subject to any conditions specified in the warrant, to take such action as is necessary to prevent the commission or repetition of the offence or a breach of the peace or to protect life or property.

Police powers
of entry and
arrest without
warrant.
[8 of 2006].
Ch. 10:04.

23. (1) For the avoidance of doubt, a police officer may act in accordance with the provisions of the Criminal Law Act where he has reasonable cause to believe that a person is engaging in or attempting to engage in conduct which amounts to physical violence and failure to act immediately may result in serious physical injury or death.

(2) Nothing in this section authorises the entry onto premises by a policeman, for the purpose of any search or the arrest of any person, otherwise than in connection with the conduct referred to in subsection (1).

(3) Where a police officer exercises a power of entry under subsection (1) he shall immediately submit a written report to the Commissioner of Police, through the Head of the Division where the incident occurred, such report to contain the following information:

- (a) the reasons for entering the premises without a warrant;
- (b) the offence being committed or about to be committed; and
- (c) the manner in which the investigation was conducted and the measures taken to ensure the protection and safety of the person at risk.

(4) The report referred to in subsection (3) shall be submitted to the Director of Public Prosecutions by the Commissioner of Police within seven days of receiving the report.

(5) Where a complaint is made against a police officer by a person resident in premises alleging that the officer's entry onto the premises under subsection (1) was unwarranted, the Police Complaints Authority shall investigate the complaint and submit a copy of its report to the Commissioner of Police and the Director of Public Prosecutions within fourteen days of the complaint having been made.

(6) Where upon an investigation under subsection (5) the Police Complaints Authority finds that the entry under subsection (1) was unwarranted, the Authority shall submit a copy of its report to the Commissioner and such report may form the basis of disciplinary action against the officer.

23A. Where a police officer has entered on to premises in furtherance of sections 22 and 23(1) he shall—

Duty of police officer to assist victims.

- (a) give assistance to a person who has suffered injury;
- (b) ensure the welfare and safety of a child who may be on the premises; and
- (c) prevent any further breach of the law.

24. Where an Order is in force and a police officer believes on reasonable grounds that a person has committed or is committing a breach of the Order he may detain and arrest that person without a warrant.

Powers of arrest where a Protection Order is in force.

25. (1) Subject to subsection (2), where a person is arrested under section 22 or 23, the person shall be charged in accordance with the relevant provisions of the criminal law for committing or attempting to commit any of the offences listed in the First Schedule and shall be dealt with accordingly.

Existing criminal law to apply. [18 of 2020].

First Schedule.

(2) Where an application for a Protection Order has been made or where a person has been arrested and charged under section 22 or 23 and after hearing all the evidence the Court may, with the consent of the applicant or complainant, as the case may be, withhold the granting of a Protection Order or

the imposition of any penalty as prescribed by law and require the respondent or defendant to enter into a bond of good behaviour for a period not exceeding six months.

(3) Where a bond of good behaviour has been entered into under subsection (2) the Court may prescribe such additional conditions as follows:

- (a) that the parties receive professional counselling, including family counselling;
- (b) that the respondent report to a probation officer at certain fixed intervals;
- (c) that the matter be reviewed by the Court within three months.

(4) A bond of good behaviour entered into under subsection (2) shall be forfeited where the Court is satisfied that—

- (a) the respondent or defendant has continued to engage in conduct amounting to domestic violence against the complainant or a child who is the subject of an application for a Protection Order;
- (b) based on a report from a probation officer, social worker, police officer or such other person, domestic violence is likely to be perpetrated against the applicant or complainant or a child who is the subject of an application for a Protection Order; or
- (c) the applicant or complainant has become fearful of the respondent or defendant to the extent that he is no longer willing to continue the relationship.

26. (Repealed by Act No. 18 of 2020).

26A. (1) Subsection (2) applies to a person—

- (a) who—
 - (i) has actual custody, charge or control of;

- (ii) has, for a special purpose, as his attendant, employer, teacher or caregiver, or in any other capacity, temporary custody, care, charge or control of;
- (iii) resides with; or
- (iv) is a medical practitioner, registered nurse or midwife, and has attended to or performed a medical examination in respect of,

an adult who by reason of physical or mental disability, age or infirmity is dependent on another person or a child; or

(b) who is a social worker.

(2) A person to whom this subsection applies, who has reasonable grounds to believe that a person has engaged, is engaging or is likely to engage, in conduct that constitutes domestic violence against an adult who by reason of physical or mental disability, age or infirmity is dependent on another person or a child, shall report the grounds for his belief to a police officer as soon as reasonably practicable.

(3) Any person who, without reasonable excuse, fails to comply with the requirements of subsection (2), commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for seven years.

PART VII

MISCELLANEOUS

27. (1) Notwithstanding the Bail Act, where the Court is required to determine whether to grant bail in respect of an offence under this Act, the Court shall consider—

Bail.
Ch. 4:60.
[18 of 2020].

- (a) the need to protect the applicant from domestic violence;
- (b) the welfare of a child;
- (c) where applicable, any risk assessment ordered under subsection (1A); and

(d) any hardship that may be caused to the defendant or other members of the family if bail is not granted.

(1A) Without prejudice to the power of the Court to grant bail, the Court may, for the purposes of determining whether or not to grant bail, order a police officer to submit such risk assessment as may be prescribed by regulations.

Ch. 4:60.

(2) Notwithstanding the Bail Act, the Court in granting bail, may order that the recognisance be subject to such of the following conditions as the Court considers appropriate:

- (a) that the defendant not harass or molest or cause another person to harass or molest the victim of the alleged offence;
- (b) that the defendant not be on the premises in which the victim resides, works or attends school;
- (c) that the defendant not be in a locality in which are situated the premises in which the victim resides, works or attends school; and
- (d) where the defendant continues to reside with the victim that the defendant not enter or remain in the place or residence while under the influence of alcohol or a drug.

(3) Where a police officer believes on reasonable grounds that a person, who has been admitted to bail subject to one or more conditions, has failed to comply with a condition of the recognisance, the police officer may arrest the person without a warrant.

Appeals.

28. (1) An appeal shall lie to the Court of Appeal from any Order or Judgment of the Court and the procedure in respect of such an appeal shall be as is laid down in the Summary Courts Act.

Ch. 4:20.

(2) Notwithstanding subsection (1) a notice of appeal from an Order or Judgment under this Act shall not operate as a stay of proceedings unless the Court of Appeal orders otherwise.

29. Nothing in this Act shall be regarded as removing any jurisdiction which the High Court may have in respect of the matters referred to under this Act.

30. (1) The Domestic Violence Act, 1991 is repealed.

Repeal and
savings.
[10 of 1991].

(2) Nothing in this Act affects any proceedings instituted prior to the coming into force of this Act and existing Orders made under the Domestic Violence Act, 1991.

31. (1) The Minister may make regulations to give effect to the provisions of this Act.

Regulations.
[18 of 2020].

(2) Regulations made under this Act shall be subject to negative resolution of Parliament.

32. The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules of Court for carrying this Act into effect.

Rules of Court.
[18 of 2020].

33. (1) The Chief Justice may, by Order, amend Forms 1 to 6 in the Second Schedule.

Amendment of
Forms.
[18 of 2020].

(2) The Minister to whom responsibility for national security is assigned may, after consultation with the Minister, amend Form 7 in the Second Schedule, by Order.

34. The Minister may, by Order subject to negative resolution of Parliament, amend the First Schedule or the Third Schedule.

Amendment of
First and Third
Schedules.
[18 of 2020].

35. The Minister shall cause to be laid in both Houses of Parliament, annually, a report on the administration of this Act.

Annual report.
[18 of 2020].

CONSOLIDATION

Section 3.
[18 of 2020].

FIRST SCHEDULE

SUMMARY OFFENCES ACT, (CH. 11:02)

Assault and Battery, Section 4
Assault upon children, women and old, infirmed, sickly persons, Section 5
Aggravated assaults causing wound or harm, Section 5
Possession of weapons intended for crime, Section 62
Throwing stones or other missiles, Section 69
Inciting animals to attack, Section 75

MALICIOUS DAMAGE ACT, (CH. 11:06)

Setting fire to a dwelling house, any person being therein, Section 4
Conspiracy to set fire, Section 10
Destroying or damaging a house with gunpowder, any person being therein,
Section 11
Attempting to destroy buildings with gunpowder, Section 12

OFFENCES AGAINST THE PERSON ACT, (CH. 11:08)

Conspiring or soliciting to commit murder, Section 5
Attempted murder, Section 9
Sending letters threatening to murder, Section 10
Shooting or wounding with intent to do grievous bodily harm, Section 12
Inflicting injury with or without weapon, Section 14
Attempting to choke, etc., in order to commit any indictable offence,
Section 15
Using drugs, etc., with intent to commit offence, Section 16
Administering poison, etc., so as to endanger life or inflict grievous bodily
harm, Section 17
Administering poison, etc., with intent to injure or annoy, Section 18
Exposing children so that life endangered, Section 21
Causing bodily injury by explosive substance, Section 22
Use of explosive substance or other noxious thing with intent to do grievous
bodily harm, Section 23
Attempting to blow up buildings, Section 26
Drivers of vehicles injuring person by furious driving, Section 26
Procuring abortion, Section 56
Procuring drugs to cause abortion, Section 57

CHILDREN ACT, (CH. 46:01)

- Prevention of cruelty to children, Section 4
Exposing children to risk of burning, Section 6
Injury or death by firearm or ammunition, Section 7
Causing, encouraging or favouring seduction or prostitution of young girls,
Sections 3, 4, 5, 6, 7 and 8
Offence of female mutilation, Section 9
Offence of aiding, abetting, counselling or procuring a girl to engage in
female mutilation, Section 10
Sexual penetration of a child, Section 18
Sexual touching of a child, Section 19
Causing or inciting a child to engage in sexual activity, Section 21
Causing or inciting a child to engage in sexual activity with an animal,
Section 22
Giving a child a dangerous drug, Section 36
Using a child to sell, buy or deliver a dangerous drug, Section 38

SEXUAL OFFENCES ACT, (CH. 11:28)

- Rape, Section 4
Grievous sexual assault, section 4A
Sexual assault by a husband in certain circumstances, Section 5 (*Repealed by
Act No. 31 of 2000*)*
Sexual intercourse with a female under fourteen, Section 6
Sexual intercourse with a female between fourteen and sixteen, Section 7
Sexual intercourse with a male under sixteen, Section 8
Incest, Section 9
Sexual intercourse with adopted minor, Section 10
Sexual intercourse with mentally subnormal person, Section 12
Buggery, Section 13
Serious indecency, Section 16
Procurator, Section 17
Procuring defilement of a person, Section 18
Detention of a person, Section 19
Abduction of a female, Section 20

*See section 6 of the Sexual Offences (Amendment) Act, 2000 (Act No. 31 of 2000).

42 **Chap. 45:56** *Domestic Violence*

Section 4.
[18 of 2020].

SECOND SCHEDULE

FORMS

FORM 1

DOMESTIC VIOLENCE ACT (CH. 45:56)

**APPLICATION FOR PROTECTION ORDER /INTERIM
PROTECTION ORDER**

REPUBLIC OF TRINIDAD AND TOBAGO

In the District of

I,
(Name of Applicant)

of
(Address)

hereby apply under section 4 of the Domestic Violence Act, for a Protection
Order/Interim Protection Order to be made by the Magistrate of the district
against

.....
(Name of Respondent)

who is
(Specify relationship to named Respondent)

and who resides at
(Specify address of Respondent)

in respect of the following conduct:

SPECIFY DATES, TIMES, PLACE AND DETAILS OF CONDUCT COMPLAINED OF.

.....
Applicant

Dated this day of 20.....

CONSOLIDATION

FORM 1A

[18 of 2020].

DOMESTIC VIOLENCE ACT (CH. 45:56)

AFFIDAVIT IN SUPPORT OF APPLICATION

REPUBLIC OF TRINIDAD AND TOBAGO

In the District of

I,
(Name of Applicant)

of
(Address)

make oath and say as follows:

1. I am the Applicant herein.
2. The facts and matters deposed to in this Affidavit are made of my own knowledge and I certify that I believe that the facts stated in this Affidavit are true.

3. My relationship with the Respondent is

4. The circumstances which gave rise to this application are that:

.....
.....

5. I made a complaint/A complaint was made on my behalf by

..... at Police Station.
(Name of Complainant) (Name of Police Station)

A copy of a report dated is annexed hereto and marked
(Date of Report)

Sworn to be the Deponent
(Name of Deponent)

at on the day of

Before me

.....
Justice or Clerk of the Peace of the
Magistrates' Court for the District

UNOFFICIAL
FORM 1B
DOMESTIC VIOLENCE ACT (CHAP. 45:56)

NOTICE OF FAILURE TO EFFECT SERVICE
OF PROCESS

REPUBLIC OF TRINIDAD AND TOBAGO

In the District of

I,
(Name of Applicant)

of
(Address)

hereby give notice that the document described below has not been
served on the respondent
(Name of Respondent)

for the reasons outlined below.

Sworn to by me the above-named
(Name of Deponent)

Deponent this day of, 20.....

.....
Justice or Clerk of the Peace of the
Magistrates' Court for the District

LAW REVISION COMMISSION

CONSOLIDATION

UNOFFICIAL

FORM 2
DOMESTIC VIOLENCE ACT (CH. 45:56)

Section 12(2).
[18 of 2020].

NOTICE OF PROCEEDINGS

REPUBLIC OF TRINIDAD AND TOBAGO

In the District of

BETWEEN

..... Applicant

v

..... Respondent

TO THE RESPONDENT

An application under section 4 of the Domestic Violence Act, for a Protection Order has been made by against you.
(Name of Applicant)

A copy of the application is attached. The application has been set down for hearing on the day of 20....., at A.M./P.M.
(time)

at
(place)

IF YOU DO NOT APPEAR IN PERSON AT THE HEARING OF THE APPLICATION, THE COURT MAY—

- (a) deal with the application in your absence; or
- (b) issue a warrant for your arrest to be brought before the Court.

.....
*Justice or Clerk of the Peace of the
Magistrates' Court for the District*

Dated this day of, 20.....

CONSOLIDATION

Section 12(5).

FORM 3

DOMESTIC VIOLENCE ACT (CH. 45:56)

**AFFIDAVIT FOR USE IN PROVING SERVICE
OF PROCESS**

REPUBLIC OF TRINIDAD AND TOBAGO

No.

Return of service of process in respect of Domestic Violence Offence(s)

for the Court.

Name of Applicant	Name of Respondent	Document Served	Date of Service	Place of Service	Mode of Service

I do swear that the above Return of Service is true and in accordance with the facts of such Service.

.....
(Deponent)

Sworn to by me the above-named
[Name and rank (where applicable) of Deponent]

Deponent this day of, 20.....

.....
Justice or Clerk of the Peace of the
Magistrates' Court for the District

FORM 4

Section 16.
[18 of 2020].

DOMESTIC VIOLENCE ACT (CH. 45:56)

PROTECTION ORDER OR INTERIM ORDER

REPUBLIC OF TRINIDAD AND TOBAGO

In the District of

The Court having heard an application made by in
(Name of Applicant)

respect of the conduct or threatened conduct of
(Name of Respondent)

towards
(Name of person to be protected)

NOW THIS COURT ORDERS, that for the period from the

day of 20....., to the day of 20.....,

YOU
(Name of Respondent)

THE WITHIN NAMED RESPONDENT SHALL NOT ENGAGE IN THE FOLLOWING
CONDUCT, AND YOU THE WITHIN NAMED RESPONDENT SHALL COMPLY WITH THE
FOLLOWING PROHIBITIONS AND CONDITIONS:

SPECIFY PROHIBITIONS AND CONDITIONS IMPOSED AND ANY PERIOD OR PERIODS
FOR WHICH THEY MAY BE IMPOSED (IF DIFFERENT FROM THE PERIOD OF THE
PROTECTION/INTERIM PROTECTION ORDER).

AND THIS COURT FURTHER ORDERS that you shall not
(Name of Respondent)

engage in any conduct that constitutes an offence under this Act.

If you the said fail to comply with any of the
terms of this Order you shall be liable to imprisonment and/or a fine pursuant
to section 19 of the Act.

.....
*Justice or Clerk of the Peace of the
Magistrates' Court for the District*

Dated this day of, 20.....

Section 19(1).
[18 of 2020].

FORM 5

DOMESTIC VIOLENCE ACT (CH. 45:56)

**APPLICATION FOR VARIATION OR REVOCATION OF
PROTECTION ORDER OR INTERIM ORDER**

REPUBLIC OF TRINIDAD AND TOBAGO

In the District of

BETWEEN

..... Applicant

v

..... Respondent

I, hereby apply for a variation revocation of
(Name of Applicant)

the Order made against on the
(Name of person against whom the Order was made)

..... day of 20..., by the Court (a copy of which is attached to
the said application) in respect of certain conduct or threatened conduct towards

.....
(Name of person who is protected by an Order)

I ask for a revocation/variation of the Order in the following terms:
SPECIFY DETAILS OF VARIATION

.....
Applicant

Dated this day of, 20.....

CONSOLIDATION

UNOFFICIAL

FORM 6

Section 19(2).
[18 of 2020].

DOMESTIC VIOLENCE ACT (CH. 45:56)

ORDER VARYING PROTECTION ORDER OR
INTERIM ORDER

REPUBLIC OF TRINIDAD AND TOBAGO

In the District of
The Court, having heard an application made under section 4 of the Act by

..... in respect of the conduct or threatened
(Name of Applicant)

conduct of towards and
(Name of Respondent) (Name of person protected by
the Order)

the Court having on the day of 20....., made an
Order, a copy of which is attached, prohibiting the Respondent from engaging
in the conduct specified therein.

NOW the Court on the application of does this day Order
that the Protection Order or Interim Protection Order be either:

1. REVOKED

.....
(Specify effective date of revocation)

2. VARIED AS FOLLOWS

Specify details of variation

.....

LAW REVISION COMMISSION

.....
Justice or Clerk of the Peace of the
Magistrates' Court for the District

Dated this day of, 20.....

CONSOLIDATION

Section 21(3).

FORM 7

DOMESTIC VIOLENCE ACT (CH. 45:56)

DOMESTIC VIOLENCE POLICE REPORT

Station Division Reference No.

Complaint made by
Surname *First name*

Address

Relationship of Victim to Alleged Offender

Telephone No.

Mode of Report

<i>Telephone</i>	<i>Personal</i>	<i>Referred (by whom)</i>	<i>Etc.</i>
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Date Time Diary Reference

Recorded by: (*Number/Rank/Name*)

Name of Victim
Surname *First name*

..... Religion

Address

Telephone No. Marital Status

Relationship to Offender

Sex Age Occupation

Address of Employment

Name of Alleged Offender
Surname *First name*

..... Religion

Address

Sex Age Marital Status Telephone No.

Occupation Address of Employment

Name of Witness Name of Witness

Address

Relationship to Victim/Alleged Offender

CONSOLIDATION

BRIEF FACTS AS REPORTED

.....
.....
.....
.....
.....
.....
.....
.....

Extent of Inquiry

Medical Report Form Attached (*tick*) Yes No

Instrument used to inflict Injury

Whereabouts of children at time of incident

State whether previous complaints were made (*tick*) Yes No

Date Time Diary Reference

Investigator: (*Number/Rank/Name*)

Action taken

Other previous complaints made

Date Time Diary Reference

Investigator: (*Number/Rank/Name*)

Action taken

Is Protected Order (P.O.) in existence? (*tick*) Yes No

Date of Issue

Comments

Duration (P.O.) Court of Issue

FORM 7—Continued

ACTION TAKEN WITH RESPECT TO PRESENT REPORT:

Date/Time

Action taken, by whom

.....
.....
.....
.....
.....

ARREST MADE:

Date of Arrest Mode of Arrest

Present status of report

CHARGES PREFERRED:

- (1)
- (2)
- (3)
- (4)

STATE REASON(S) IF NO CHARGES PREFERRED:

.....
.....

AGENCY TO WHICH REPORT REFERRED/FOLLOW UP ACTION:

.....
.....

.....
Investigator

.....
Supervising Officer
(Inspector and above)

.....
Date

.....
Date

THIRD SCHEDULE

[18 of 2020].

OFFENCES AGAINST THE PERSON ACT, (CH. 11:08)

- Conspiring or soliciting to commit murder, Section 5
- Attempted murder, Section 9
- Shooting or wounding with intent to do grievous bodily harm, Section 12
- Inflicting injury with or without a weapon, Section 14
- Attempting to choke, etc., in order to commit an indictable offence, Section 15
- Administering poison, etc., so as to endanger life or inflict grievous bodily harm, Section 17
- Exposing children so that life endangered, Section 21

SEXUAL OFFENCES ACT, (CH. 11:28)

- Rape, Section 4
- Grievous sexual assault, Section 4A
- Incest, Section 9
- Sexual intercourse with a mentally subnormal person, Section 12

CHILDREN ACT, (CH. 46:01)

- Causing or encouraging the seduction, prostitution or sexual penetration of a child, Section 12
- Sexual penetration of a child, Section 18
- Sexual touching of a child, Section 19
- Causing or inciting a child to engage in sexual activity, Section 21
- Luring a child, Section 25
- Sexual communication with a child, Section 25A
- Sexual grooming of a child, Section 25B

TRAFFICKING IN PERSONS ACT, (CH. 12:10)

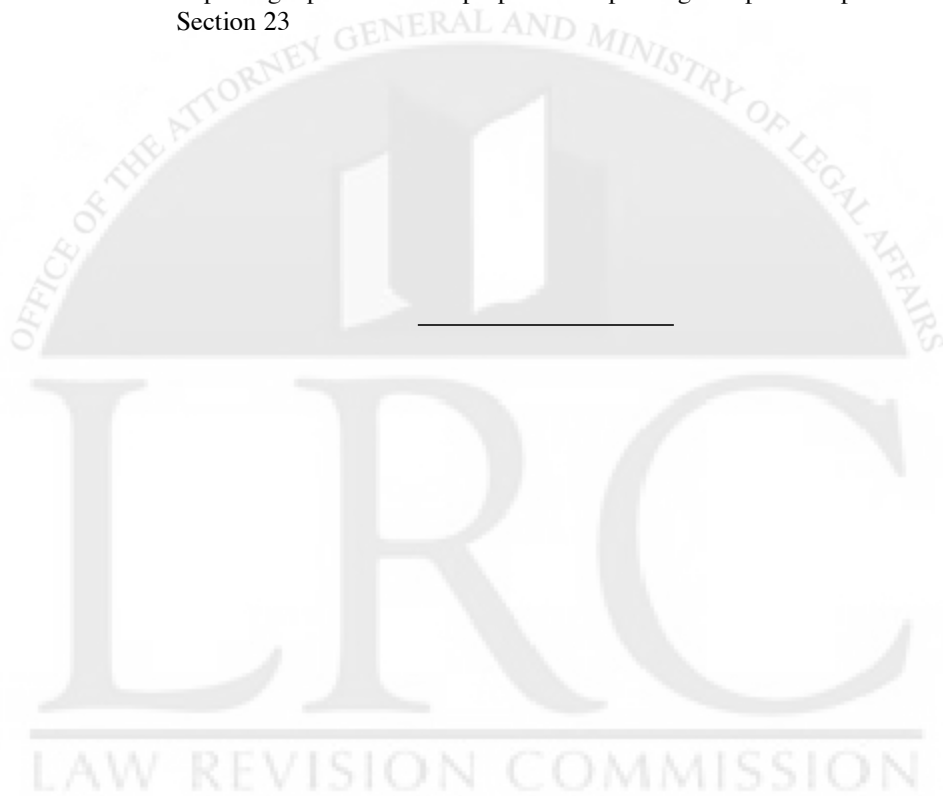
- Trafficking in persons, where a sexual assault was committed against the trafficked person, Section 16
- Inciting, organising or directing another person to traffic in persons, where a sexual assault was committed against the trafficked person, Section 17

UNOFFICIAL
THIRD SCHEDULE—Continued

Trafficking in children, where a sexual assault was committed against the trafficked child, Section 18

Inciting, organising or directing another person to traffic in children, where a sexual assault was committed against the trafficked child, Section 19

Transporting a person for the purpose of exploiting that person's prostitution, Section 23



CONSOLIDATION