

[Chap0705]CHAPTER 7:05

PREVENTION OF DOMESTIC VIOLENCE ARRANGEMENT OF SECTIONS

ARRANGEMENT OF SECTIONS

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G.N. 9/2007

An Act to make provision for the prevention of domestic violence, for the protection of persons affected by domestic violence; and for matters connected therewith

[29TH DECEMBER 2006]

PART I

PRELIMINARY

[Ch0705s1]1. Short title

This Act may be cited as the Prevention of Domestic Violence Act.

[Ch0705s2]2. Interpretation

In this Act, unless the context otherwise requires—

“applicant” means a person who applies, or on whose behalf an application is made, for an order pursuant to this Act;

“child” means a person under the age of eighteen years who ordinarily or periodically resides with the applicant, whether or not the child is a child of the applicant and the respondent or either of them, and includes an adopted child, a stepchild, or a child who is treated as a child of the family but does not include a person who is, or has been, married;

“court” means a court which, in accordance with section 45, has competent jurisdiction;

“dependant” means a person over the age of eighteen years, living within the household, who by reason of age, physical or mental disability or infirmity is reliant on either the applicant or respondent for his or her welfare;

“domestic relationship”, in relation to domestic violence, means the relationship between persons who are family members and share a household residence or are dependent on each other socially or financially, and includes the relationship where—

- (a) the applicant and the respondent are husband and wife;
- (b) a person has a child in common with the respondent and that person is being subjected or is likely to be subjected to domestic violence by the respondent;
- (c) one is a parent and the other is his or her child or dependant; and
- (d) the applicant and the respondent are or have been in a visiting relationship for a period exceeding twelve months;

“domestic violence” means any criminal offence arising out of physical, sexual, emotional or psychological, social, economic or financial abuse committed by a person against another person within a domestic relationship;

“economic abuse” means the denying of a person the liberty to undertake any lawful income generating activity or access economic resources, and includes refusal to provide basic household necessities, withholding that person’s income or salary and denying that person the opportunity to seek employment;

“emergency monetary relief”, in relation to an interim protection order, means relief provided to the applicant to compensate for loss suffered as a result of the domestic violence, and includes medical and dental expenses, accommodation and transport expenses, household necessities and loss of earnings;

“emotional or psychological abuse” means a pattern of behaviour of any kind, the purpose of which is to undermine the emotional or mental well being of a person, and includes—

- (a) persistent intimidation by the use of abusive or threatening language;
- (b) persistent following of a person from place to place;
- (c) depriving a person of the use of his or her property;
- (d) the watching or besetting of the place where a person resides, works, carries on business or happens to be;
- (e) interfering with or damaging the property of a person;
- (f) the forced confinement of a person;
- (g) persistent telephoning of a person at his or her place of residence or work; and
- (h) making unwelcome and repeated or intimidatory contact with a child, dependant or elderly relative of a person;

“enforcement officer” means any officer designated as such by the Minister under section 31;

“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;

“household residence” means the dwelling-house that is or was last used habitually by persons within a domestic relationship as the only principal family residence, together with any

land, buildings or improvements appurtenant thereto, and wholly or mainly used for the purposes of the household;

“interim order” means an interim occupation order, an interim protection order, or an interim tenancy order;

“occupation order” means an order made under section 11, and includes an interim occupation order;

“order” means an occupation order, a protection order, or a tenancy order, but does not include an interim 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, by blood, marriage or adoption;

“physical abuse” means any act or omission which causes or is intended to cause physical injury or reasonable apprehension of physical injury;

“prescribed person”, in relation to a respondent, means a husband or wife, parent, child or dependant of the respondent;

“protection order” means an order made under section 5 and, includes an interim protection order;

“service provider” means any person or body of persons approved by the Minister by order published in the Gazette to provide assistance to victims of domestic violence, and includes the police, community policing forums, faith-based organizations, Government institutions, non-governmental, voluntary or charitable organizations;

“sexual abuse” includes sexual contact of any kind that is made by force or threat and the commission of, or an attempt to commit, any of the offences under Chapter XV of the Penal Code; Cap. 7:01

“social abuse” includes denying a person the freedom to associate freely with others with the aim of possessing that person so as to let that person become completely dependent on the abuser;

“tenancy order” means an order made under section 15, and includes an interim tenancy order;

“tenant”, in relation to a dwelling-house, includes any person—

(a) whose tenancy has expired or has been determined; and

(b) who is for the time being deemed under or by virtue of any written law to continue to be the tenant of the dwelling-house, and the term “tenancy” has a corresponding meaning.

[Ch0705s3]3. Purpose of Act

The purpose of this Act is to ensure the commitment of the State to eliminate gender-based violence occurring within a domestic relationship, and to provide for effective legal remedies and other social services to persons affected by domestic violence.

[Ch0705s4]4. Persons who may apply for orders

(1) An application for a protection order under this Act may be made by—

- (a) a husband or wife, as the case may be, being the person against whom domestic violence has been, or is likely to be, engaged in by the respondent;
- (b) a person who has a child in common with the respondent and that person is being subjected to or is likely to be subjected to domestic violence by the respondent;
- (c) a parent or guardian of the child or dependant, or a person with whom the child or dependant ordinarily or periodically resides, where domestic violence involves a child or dependant;
- (d) a dependant, where the dependant is not mentally disabled;
- (e) a parent or sibling, by blood or marriage of the applicant or respondent, not being a member of the household;
- (f) a police officer;
- (g) an enforcement officer;
- (h) a service provider approved by the Minister by order published in the Gazette .

(2) An application for an occupation order may be made by persons described in subsection (1), except those described in paragraphs (b) and (c).

(3) An application for a tenancy order may be made by—

- (a) the husband or wife of the respondent; or
- (b) in the case of a child or dependent who is subjected to domestic violence, and the husband or wife is unwilling to make an application, by a parent or guardian of that child or dependant.

PART II

PROTECTION ORDERS

[Ch0705s5]5. Application for a protection order

An application for a protection order shall be in accordance with the form prescribed in Form 1 of the Schedule, and may pray for an order—Schedule

- (a) prohibiting the respondent from—
 - (i) committing any further acts of domestic violence;
 - (ii) entering or remaining in the household residence of a prescribed person;
 - (iii) entering or remaining in any area specified in the order, being an area in which the household residence of a prescribed person is located;
 - (iv) entering the place of work, business or education of a prescribed person;
 - (v) entering and remaining in any place where a prescribed person happens to be;
- (b) directing that the respondent—
 - (i) be of good behaviour;
 - (ii) returns to the applicant specified property that is in his or her possession or under his or her control;
 - (iii) pays compensation for monetary loss incurred by an applicant as a direct result of conduct that amounted to domestic violence;

- (iv) pays monetary relief to the applicant for the benefit of the applicant and any child or dependant, 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;
 - (v) complies with any other condition which the court deems necessary for the effective protection of the applicant;
 - (vi) immediately vacates 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;
 - (vii) relinquishes to the police any firearm licence, firearm or any other weapon which he or she may have in his possession or control and which may or may not have been used in the course of domestic violence;
 - (viii) makes or continues to make payments in respect of rent or mortgage payments for premises occupied by the applicant for a reasonable period;
 - (ix) ensures that reasonable care is provided in respect of a child or dependant;
- or
- (x) the applicant or both, receive professional counselling or therapy from any person or agency or from a programme approved by the Minister in writing;
 - (c) directing that the order be applied for the benefit of a child or dependant of the applicant or respondent;
 - (d) prohibiting the respondent from 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;
 - (e) prohibiting the respondent from molesting a prescribed person by—
 - (i) watching or besetting the household residence, or place of work, business or education of the prescribed person;
 - (ii) following or stalking the prescribed person in any place;
 - (iii) making persistent telephone calls to a prescribed person;
 - (iv) using abusive language to or behaving towards a prescribed person in any other manner which is of such nature and degree as to cause annoyance to, or result in ill-treatment of the prescribed person; or
 - (v) causing or encouraging another person to engage in conduct referred to in paragraphs (i) to (iv).

[Ch0705s6]6. Grant of a protection order on an ex parte application

(1) A protection order may be made on an ex parte application if the court is satisfied that the delay that would be caused by proceeding on notice would or might entail—

- (a) risk to the personal safety of a prescribed person; or
- (b) serious injury or harm or, undue hardship.

(2) Any protection order made on an ex parte application shall be an interim order.

(3) Without limiting the generality of the foregoing, the court may, in determining whether to issue an interim protection order, have regard to—

(a) the perception of the applicant, or a child or any other person within the domestic relationship, of the nature and seriousness of the behaviour in respect of which the application is made; and

(b) the effect of the behaviour of the respondent on the applicant, or a child or any other person within the domestic relationship.

(4) Where a protection order is granted on an ex parte application, the respondent may apply immediately for it to be discharged.

(5) An interim protection order remains in force until—

(a) such time as the court grants a protection order under section 7; or

(b) the order is discharged pursuant to section 10.

[Ch0705s7]7. Grant of a protection order

(1) On hearing an application under section 5 the Court may make a protection order in accordance with the form prescribed in Form 2 of the Schedule if it is satisfied that—Schedule

(a) a case for domestic violence has been made out against the respondent; and

(b) having regard to all the circumstances, the order is necessary for the protection of the prescribed person,

and the court may, if it thinks fit, attach a power of arrest to the protection order.

(2) Where the court makes an order which directs the payment of compensation under section 5 (b) (iii), such compensation shall include, but not limited to—

(a) loss of earning;

(b) medical and dental expenses;

(c) moving and accommodation expenses;

(d) reasonable legal costs, including the cost of an application pursuant to this Act.

(3) Where the Court makes an order which directs counselling under section 5 (b) (x) 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.

(4) The court shall have jurisdiction to award compensation not exceeding K1,000,000 and the payment of such compensation shall be received by the Court on behalf of the applicant.

(5) Where the Court makes an order which—

(a) directs that the respondent vacate a household residence or any place; or

(b) directs the respondent to return to the applicant specified property that is in his or her possession or control,

the Court may, in that same order, if it thinks necessary and notwithstanding any other law, 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 to supervise the removal of property belonging to the applicant and to ensure the protection of that person.

[Ch0705s8]8. Court may make a direction for alternative dispute resolution

(1) Subject to subsection (3), at any time during the proceedings for an application for a protection order, but before the issuing of such order, the applicant or respondent may request the court to direct the suspension of the proceedings on condition that both the applicant and respondent, including any child or any other person within the domestic relationship, agree to undergo an alternative dispute resolution process with the assistance of a service provider.

(2) Where, at the time of making the protection order, the applicant or respondent has not made a request pursuant to this section, the court shall, if it considers that it is in the best interest of the parties, inform the parties of their right to make such a request.

(3) A request or a direction pursuant to this section shall not be made more than once in relation to the same protection order.

[Ch0705s9]9. Existence of other proceedings

A court shall not decline to make a protection order under section 6 or 7 on the grounds only of the existence of other proceedings, including proceedings relating to custody of, or access to, a child between or relating to the parties, whether or not those proceedings relate to any other person.

[Ch0705s10]10. Variation or discharge of a protection order

(1) The court may, on the application of any party of the proceedings, vary or discharge a protection order or, an interim protection order, as the case may be, by—

- (a) varying or discharging any condition;
- (b) imposing any new condition;
- (c) making a direction pursuant to section 8; or
- (d) varying or discharging a direction made pursuant to section 8.

(2) On the application of the applicant, the court may, if it thinks fit, vary a protection order by directing that the protection order also apply for the benefit of a particular person within the domestic relationship.

(3) A copy of an application made under section (1) shall be served personally on each person who was a party to the proceedings in which the protection order was made.

(4) In determining whether to discharge a protection order the Court shall have regard to the matters referred to in section 7.

PART III

OCCUPATION ORDERS

[Ch0705s11]11. Application for an occupation order

(1) An application may be made to the court for an occupation order granting the prescribed person or persons named in the order the right to live in the household residence, and every such application shall be made in accordance with the form prescribed in Form 5 of the Schedule. Schedule

(2) Subject to subsection (3) and section 19, the court may, on an application under subsection (1), make an occupation order in accordance with the form prescribed in Form 6 of the Schedule granting to the prescribed person or any person named in the order for such period

or periods and on such terms and subject to such conditions as the court thinks fit, the right to occupy the household residence or any other premises forming part of the household residence.

(3) The court shall not make an order under subsection (2) unless it is satisfied that such an order—

- (a) is necessary for the protection of a prescribed person; or
- (b) is in the best interest of a child or dependant.

[Ch0705s12]12. Grant of an occupation order on ex parte application

(1) An occupation order may be made on an ex parte application if the court is satisfied that—

- (a) the respondent has used violence, against or caused physical or emotional injury to a prescribed person; and
- (b) the delay that would be caused by proceeding on notice could or might expose the prescribed person to physical or emotional injury.

(2) Any occupation order made on an ex parte application shall be an interim order.

(3) Where the court grants an occupation order on an ex parte application, the court shall, at the same time, make an interim protection order unless it considers that there are special reasons why such an interim order should not be made.

(4) An occupation order which is made on an ex parte application while the prescribed person concerned and the respondent are living together in the same household residence shall expire—

- (a) on its discharge by the court;
- (b) on the discharge of an interim protection order made pursuant to subsection (3);

or

(c) in any other case, at the expiration of a period of fourteen days after the date on which the occupation order was made.

(5) Where an occupation order is made, on an ex parte application, the respondent may apply immediately for its variation or discharge.

[Ch0705s13]13. Effect of an occupation order

Where an occupation order is made the prescribed person to whom it relates shall be entitled, to the exclusion of the respondent, personally to occupy the household residence to which that order relates.

[Ch0705s14]14. Variation or discharge of occupation order

The court may, if it thinks fit on an application of either party in accordance with the form prescribed in Form 7 of the Schedule, make an order, in accordance with the form prescribed in Form 8 of the Schedule— Schedule

- (a) extending or reducing any period specified by the court pursuant to section 11 (2);

or

(b) varying or discharging any terms and conditions imposed by the Court pursuant to section 11 (2).

PART IV

TENANCY ORDERS

[Ch0705s15]15. Application for a tenancy order

(1) An application may be made to the court in accordance with the form prescribed in Form 9 of the Schedule for an order vesting in the applicant the tenancy of any dwelling-house which, at the time of the making of the order— Schedule

(a) the respondent is either the sole tenant or a tenant holding jointly or in common with the applicant; and

(b) is the household residence of the applicant or the respondent.

(2) Subject to section 19, the court may make an order in accordance with the form prescribed in Form 10 of the Schedule on an application under subsection (1) if the Court is satisfied that such an order—

(a) is necessary for the protection of the applicant; or

(b) is in the best interest of a child or a dependant.

[Ch0705s16]16. Grant of a tenancy order on an ex parte application

(1) A tenancy order may be made on an ex parte application if the Court is satisfied that—

(a) the respondent has used violence against or caused physical or emotional injury to the applicant, or any other prescribed person; and

(b) the delay that would be caused by proceeding on notice would or might expose the applicant or any other prescribed person as the case may be, to physical injury.

(2) Any tenancy order made on an ex parte application shall be an interim order.

(3) Where the court makes a tenancy order on an ex parte application, the court shall, at the same time, make an interim protection order unless the court considers that there are special reasons why such an order should not be made.

(4) A tenancy order which is made on an ex parte application while the applicant and the respondent are living together in the same household residence shall expire—

(a) on its discharge by the court;

(b) on the discharge of an interim protection order made under subsection (3);

(c) in any other case, at the expiration of a period of fourteen days after the date on which the tenancy order was made.

(5) Where a tenancy order is made on an ex parte application, the respondent may apply immediately for variation or discharge of that order.

[Ch0705s17]17. Effect of a tenancy order

(1) Where a tenancy order is made, the applicant shall, unless the tenancy is sooner determined, become the tenant of the dwelling-house upon and subject to the terms and conditions of the tenancy in force at the time of the making of that order, and the respondent shall cease to be the tenant.

(2) Every tenancy order shall have effect and may be enforced as if it were an order of the court for possession of land granted in favour of the applicant.

(3) Nothing in this Act or in any tenancy order shall—

(a) limit or affect the operation of any written law for the time being applicable to any tenancy to which a tenancy order applies, or to the dwelling-house held under the tenancy; or

(b) authorize the court to vary, except by vesting the tenancy pursuant to this section or revesting the tenancy pursuant to section 18, any express or implied term or condition of the tenancy.

[Ch0705s18]18. Power to discharge tenancy order and revesting tenancy

(1) The court may, if it thinks fit on the application of—

(a) the applicant or respondent; or

(b) the personal representative of either party,

make an order (in this section referred to as a “revesting order”) revesting the tenancy accordingly.

(2) Where a vesting order is made under subsection (1), the person in whose favour it is made shall, unless the tenancy is sooner determined, become the tenant of the dwelling-house upon and subject to the terms and conditions of the tenancy in force immediately before the date on which the revesting order was made.

PART V

PROVISIONS RELATING TO OCCUPATION ORDERS AND TENANCY ORDERS

[Ch0705s19]19. Procedure relating to occupation orders and tenancy orders

(1) Before making an occupation order (other than an interim occupation order) or a tenancy order (other than an interim tenancy order), the court shall direct that notice be given to any person having an interest in the property which would be affected by any such order.

(2) A person referred to in subsection (1) shall, upon being notified pursuant to that subsection, be entitled to appear and to be heard in the matter of the application for the occupation order or tenancy order, as the case may be, as a party to that application.

(3) Where an application is made for an occupation order, the court may treat that application as an application for a tenancy order or an occupation order or both, and may make a tenancy order, whether or not it makes an occupation order, if it is satisfied that—

(a) it has jurisdiction to make the tenancy order and that the making of such an order is appropriate; and

(b) subsection (1) has been complied with in respect of the making of a tenancy order.

(4) Where an application is made for a tenancy order, the court may treat that application as an application for an occupation order or a tenancy order or both, and may make an occupation order, whether or not it makes a tenancy order, if it is satisfied that—

(a) it has jurisdiction to make an occupation order and that the making of such an order is appropriate; and

(b) subsection (1) has been complied with in respect of the making of an occupation order.

[Ch0705s20]20. Ancillary orders respecting furniture, etc.

(1) On or after making an occupation order or a tenancy order, the court may, subject to subsection (2), make an order granting to the applicant the use, for such period and on such terms and subject to such conditions as the court thinks fit, of all or any of—

- (a) the furniture;
- (b) household appliances; and
- (c) household effects,

in the household residence or other premises to which the occupation order relates or in the dwelling-house to which the tenancy order relates.

(2) An order made under subsection (1) shall continue in force for a period of ninety days beginning on the date on which the order is made, unless the court otherwise directs, but so however that such order shall expire if an occupation order made in relation to the household residence or other premises or a tenancy order made in relation to the dwelling-house expires or is discharged.

PART VI

INTERIM ORDERS

[Ch0705s21]21. Interim orders

(1) Every interim order made under this Act on an ex parte application shall specify a date, which shall be as soon as reasonably practicable, but no later than twenty-one days thereafter, for a hearing on whether an order should be made in substitution for the interim order.

(2) A copy of every such interim order made under this Act shall be served on the respondent and shall notify the respondent that unless the respondent attends on the specified date to show cause why an order should not be made in substitution for the interim order, the court may discharge the interim order and make an order in substitution therefor.

(3) At the hearing referred to in subsection (1) the court may—

- (a) discharge the interim order;
- (b) discharge the interim order and make an order in substitution therefor; or
- (c) on good cause being shown, adjourn the hearing to such date and place as the

court may specify; but so however that any such adjournment shall not exceed thirty days from the date of the application.

(4) Where a hearing is adjourned under subsection (3) (c), the court may, at the adjourned hearing, exercise either the power conferred by paragraph (a) or paragraph (b) of that subsection.

PART VII

PROCEDURES IN RESPECT OF APPLICATIONS FOR ORDERS

[Ch0705s22]22. Date of hearing

Where an application is made for any order, the Clerk of the Court or the Registrar shall fix a date for the hearing of the application which shall be no more than twenty-one days from the date on which the application is filed.

[Ch0705s23]23. Notice of proceedings

(1) A copy of the application for an order, together with a notice of the date on which, and the time and place at which, the application is to be heard, shall be served on the respondent.

(2) A notice of proceedings shall be issued in accordance with the form prescribed in Form 13 of the Schedule. Schedule

(3) Where an application for an order 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 the parent or guardian or other person with whom the child or dependant normally resides or resides with on a regular basis.

(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 as if it were a complaint. ‘

(5) A notice of proceedings issued under this section may be served by the applicant or his or her agent, and the court shall receive proof of such service by affidavit in accordance with the form prescribed in Form 14 of the Schedule. Schedule

(6) Where the hearing of an application for an order 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.

[Ch0705s24]24. Absence of respondent

Where notice of proceedings has been served on the respondent in accordance with section 23 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 absence of the respondent; 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.

[Ch0705s25]25. Absence of applicant

Where, on the date of the hearing of an application for an 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 is represented by his legal practitioner, the court may—

- (a) dismiss the application;
- (b) having received a reasonable excuse for the non- appearance of the applicant or other person, adjourn the hearing upon such terms as it considers 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, so direct, but so however that the court may, on the application of a respondent, order the attendance for cross- examination of the deponent of any such affidavit.

[Ch0705s26]26. Explanation of orders

Where the court proposes to make an order or an interim order, and the respondent is before the court, the court shall explain to the respondent—

- (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 discharged.

[Ch0705s27]27. Service of orders

Where an order or interim order is made or varied by the court, the Clerk of the court shall arrange for the order or interim order to be drawn up on the relevant form prescribed in the Schedule; and the court shall cause a copy of the order or interim order to be served on—
Schedule

- (a) the respondent;
 - (b) any other person to whom the order or interim order applies, whether or not the person is a party to the proceedings;
 - (c) the police officer in-charge of the station located nearest to the area where the respondent or applicant resides,
- and if the order or interim order relates to real property, it shall also be lodged with the registrar of titles by the applicant as a lis pendens.

[Ch0705s28]28. Service other than personal service

(1) Where the court has not been able to serve an interim order or an order, as the case may be, upon the respondent personally, it may make an order for substituted service of the interim order or order, as the case may be.

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

- (a) service by 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 in circulation in Malawi, the cost of which shall be borne by the applicant; or
- (d) such other manner as the court may direct.

[Ch0705s29]29. Respondent to have notice

Subject to sections 24 and 28, a respondent shall not be bound by an order or interim order—

- (a) where he or she was not present at the time of the making of the order; or
- (b) where the order has not been served on him or her personally.

PART VIII

ENFORCEMENT OF ORDERS

[Ch0705s30]30. Breach of orders

(1) Subject to subsection (2), any person—
(a) against whom an order has been made;
(b) has had notice of the order; and
(c) fails to comply with the order or any direction of the court in relation thereto,
is liable to a fine of up to K500,000;

(2) Where an order contains a direction of the court, pursuant to section 5 (b) (x), requiring the respondent, or the applicant, as the case may be, to seek counselling or therapy and the respondent, or the applicant, as the case may be, unreasonably refuses or neglects to comply

with such a direction, the respondent, or the applicant, as the case may be, shall be liable to a fine of K50,000.

PART IX

DESIGNATION, DUTIES AND POWERS OF ENFORCEMENT OFFICERS

[Ch0705s31]31. Designation of enforcement officers

The Minister may, by notice published in the Gazette, designate public officers within the Ministry responsible for gender affairs as enforcement officers for purposes of this Act.

[Ch0705s32]32. Duties of enforcement officers

An enforcement officer shall have the following duties—

- (a) to ensure that victims of domestic violence are accorded proper treatment and are provided with the necessary assistance;
- (b) to ensure the proper administration and enforcement of the provisions of this Act;
- (c) to advise the Minister on the effective implementation of this Act and other ancillary matters;
- (d) to perform such other duties as are necessary for the effective carrying out of the purposes of this Act.

[Ch0705s33]33. Powers of enforcement officers

(1) Where an enforcement officer reasonably suspects or receives information that a person has been, or is likely to be, subjected to domestic violence, he or she shall, as soon as is practicable, cause—

- (a) an investigation to be made into the matter;
- (b) an entry to be made, at the nearest police station, in the book or such other record maintained for that purpose.

(2) Where, after investigation, the enforcement officer reasonably believes that it is necessary to take steps in order to protect the victim of domestic violence from any further acts of domestic violence, he or she shall—

- (a) explain to the victim of domestic violence his or her right to protection against domestic violence;
- (b) assist the victim of domestic violence to file a complaint regarding the domestic violence;
- (c) arrange for the provision of medical assistance to the victim of domestic violence at the nearest hospital or health facility;
- (d) arrange for alternative residence or a temporary safe place of shelter for the victim of domestic violence; and
- (e) inform the victim of domestic violence, and where possible, the perpetrator of the domestic violence about the available alternative dispute resolution mechanisms, including counselling and reconciliation.

(3) An enforcement officer may, on behalf of a victim of domestic violence, file an application for an order under this Act and shall to that effect swear an affidavit supporting the

facts on which the enforcement officer relies to make the application on behalf of the victim of domestic violence.

(4) An enforcement officer may solicit the services of any service provider to assist with any action to be taken under this Act.

PART X

DUTIES AND POWERS OF POLICE OFFICERS

[Ch0705s34]34. Duties of police officers

(1) Every police officer shall respond to every complaint or report alleging domestic violence whether or not the complainant is the victim.

(2) It shall be the duty of every police officer responding to a domestic violence complaint to complete a domestic violence report which shall form part of a national domestic violence register, and shall be maintained by the Commissioner of Police of each region.

(3) A domestic violence report shall be in the form prescribed in Form 15 of the Schedule, and shall include— Schedule

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

[Ch0705s35]35. Issue of warrant

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

(b) a police officer has been refused permission to enter the premises for the purpose of giving assistance to the person first mentioned in paragraph (a), the court may issue a warrant in writing authorizing 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.

[Ch0705s36]36. Police powers of entry without warrant

(1) Where a police officer has reasonable cause to believe that a person is engaging in or attempting to engage in conduct which amounts to domestic violence and failure to act immediately may result in serious physical injury or death, he or she may, without warrant, enter the premises on which such domestic violence is, or is likely to be committed and to take such action as is necessary to prevent serious physical injury or death.

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

(3) Where a police officer exercises a power of entry under subsection (1), he or she shall, immediately thereafter, submit a written report to the Officer-in-Charge of Police of the area where the incident occurred, and the report shall 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 by the Officer-in-Charge of Police to the Commissioner of Police of the region in which the incident occurred within seven days.

(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 Commissioner of Police of the region in which the incident occurred shall immediately after the receipt of the complaint institute an investigation into the complaint and shall, within fourteen days of the complaint having been made, submit a report in relation thereto to the Inspector General of Police.

[Ch0705s37]37. Duty of police officers to assist victims

Where a police officer has entered premises pursuant to sections 35 or 36 (1), he or she shall—

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

[Ch0705s38]38. Powers of arrest where order is in force

(1) Where an order is in force and a police officer believes on reasonable grounds that a person has committed a breach of the order, the police officer may detain and arrest that person without a warrant for the protection of a prescribed person.

(2) No person shall be arrested under this section unless the police officer believes that the arrest of the person is reasonably necessary for the protection of a prescribed person.

(3) For the purposes of subsection (1), the police officer shall take into account—

- (a) the seriousness of the act which constituted the alleged breach;
- (b) the time that has elapsed since the alleged breach was committed;
- (c) the restraining effect of other persons or circumstances on the respondent; and
- (d) the need for a cooling-off period.

(4) Where an arrest is made under this section—

- (a) the person arrested shall be entitled to make a telephone call to one person of his choice, other than the applicant or a prescribed person;
- (b) it shall be the duty of the police officer who makes the arrest to ensure that the person arrested is informed, as soon as practicable after the arrest, of the right conferred by paragraph (a).

[Ch0705s39]39. Existing criminal law to apply

(1) Subject to subsection (2), where a person is arrested under section 35 or 36, he or she shall be charged in accordance with the relevant provisions of the criminal law for committing or attempting to commit any offence under that law, and shall be dealt with accordingly.

(2) Where an application for a protection order has been made, or where a person has been arrested pursuant to section 35 or 36 and charged with an offence, and after hearing all the evidence the court is satisfied that—

- (a) the incident was an isolated one;
- (b) there are circumstances which make it desirable to preserve the family unit; and
- (c) the conduct complained of is not sufficiently grave to warrant the imposition of

either the order or the penalty, as the case may be,

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 pursuant to subsection (2), the court may prescribe such additional conditions as follows—

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

(4) A bond of good behaviour entered into pursuant to subsection (2) shall be forfeited if the court is satisfied that—

(a) the respondent or defendant has continued to engage in conduct amounting to domestic violence against the complainant;

(b) based on a report from an enforcement officer; a police officer or such other service provider, domestic violence is likely to be perpetrated against the applicant or complainant; or

(c) the applicant or complainant has become fearful of the respondent or defendant to the extent that he or she is no longer willing to continue the relationship.

[Ch0705s40]40. Refractory witnesses

(1) Where direct oral evidence of a fact would be admissible in any proceedings under this Act, a document containing a statement made by the complainant which forms part of the record compiled by the police and tending to establish that fact, shall be admissible in circumstances where—

- (a) the complainant refuses to be sworn as a witness; or
- (b) having been sworn as a witness, the complainant gives oral evidence which is inconsistent or contradictory to the statement forming part of the police record.

(2) A statement admitted as evidence pursuant to subsection (1), shall be treated by the court as a statutory declaration made under the Oaths, Affirmations and Declarations Act, and

the court may draw any reasonable inference from the form or content of that statement and determine the weight, if any, to be attached to the evidence of any fact stated therein. Cap. 4:07 [Ch0705s41]41. Granting of bail

(1) Notwithstanding the Bail (Guidelines) Act, where the Court is required to determine whether to grant bail in respect of an offence under this Act, the Court shall consider— Cap. 8:05

- (a) the need to protect the applicant from domestic violence;
- (b) the welfare of a child where the respondent or victim of the alleged offence has custody of that child;
- (c) the welfare of any child being a member of the household; and
- (d) any hardship that may be caused to the respondent or other members of the family if bail is not granted.

(2) Notwithstanding the Bail (Guidelines) Act, the court may, in granting bail, order that the recognizance be subject to such of the following conditions as the court considers appropriate— Cap. 8:05

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

(3) Where a police officer believes on reasonable grounds that a person who has been admitted to bail subject to one or more conditions referred to in subsection (2), has failed to comply with a condition of the recognizance, the police officer may, notwithstanding anything in any other written law, arrest the person without a warrant.

PART XI

MISCELLANEOUS

[Ch0705s42]42. Duty to report domestic violence

Any person who—

- (a) witnesses the commission of domestic violence; or
 - (b) has reason to believe that an act of domestic violence has been, is being or is likely to be committed,
- may report to the police, or give information to an enforcement officer, who shall then report the matter to the police.

[Ch0705s43]43. Service providers to assist

Pursuant to section 33 (4), any service provider may, upon being aware of an incident of domestic violence or soon thereafter as is reasonably practicable—

(a) render such assistance to the victim of domestic violence as may be required in the circumstances including—

(i) making arrangements for the victim of domestic violence to find suitable temporary shelter and to obtain medical treatment, if so required;

(ii) ensuring that the victim of domestic violence has access to information about the range of service providers and the kind of support that may be provided by any service provider;

(b) inform the victim of domestic violence of the right to the available legal remedies, including the right to apply for an order under this Act.

[Ch0705s44]44. Protection of authorized persons

No civil, criminal, administrative or disciplinary proceedings shall be taken against a police officer, an enforcement officer, a service provider or any person authorized to perform any duty under this Act, in relation to any information given or any action done in good faith pursuant to this Act.

[Ch0705s45]45. Jurisdiction

Any court within the area in which—

(a) the applicant or the respondent ordinarily resides, carries on business or is employed; or

(b) the domestic violence occurs,
has jurisdiction to grant an occupation order, a protection order, a tenancy order or any interim order, as the case may be, under this Act.

[Ch0705s46]46. Single act of condonation

A court shall not refuse to grant an order under this Act merely on the grounds only that—

(a) a single act of domestic violence has been committed by the respondent; or

(b) the applicant condoned acts of domestic violence committed by the respondent.

[Ch0705s47]47. Conduct of proceedings

(1) No person shall be present during the hearing of any proceedings under this Act (other than criminal proceedings) except—

(a) officers of the court;

(b) parties to the proceedings and their legal counsel;

(c) witnesses;

(d) any other person permitted by the presiding Judge or Magistrate to be present.

(2) A witness shall leave the courtroom if asked to do so by the presiding Judge or Magistrate.

(3) Nothing in this section shall limit any other power of the court to hear proceedings in camera or to exclude any person from the court.

[Ch0705s48]48. Evidence

In any proceedings under this Act (other than criminal proceedings) including proceedings by way of appeal, the court may receive such evidence as it thinks fit whether it is, or is not otherwise admissible in a court of law or not.

[Ch0705s49]49. Standard of proof

Every question of fact arising in any proceedings under this Act (other than criminal proceedings) shall be decided on a balance of probabilities.

[Ch0705s50]50. Restriction of publication of report of proceedings

(1) Subject to subsection (4), no person shall publish any report of proceedings under this Act, other than a report of criminal proceedings, except with the leave of the court which heard the proceedings.

(2) Any person who contravenes or fails to comply with subsection (1) commits an offence and is liable to a fine of K1,000,000.

(3) Nothing in this section limits—

(a) the provisions of any other written law relating to the prohibition or regulation of the publication of reports or particulars relating to judicial proceedings; or

(b) the power of the court to punish any contempt of court.

(4) Nothing in this section applies in respect of—

(a) the publication of a bona fide law report or any bona fide research relating to proceedings under this Act which does not mention the names or reveal the identities of the parties to the proceedings or any witnesses at such proceedings;

(b) the publication of any report in any publication that is of a bona fide professional or technical nature or is intended for circulation among members of the legal or medical professions, officers of the Public Service, psychologists, marriage counsellors, enforcement officers or any service provider carrying out functions pursuant to this Act; or

(c) statistical information relating to proceedings under this Act.

[Ch0705s51]51. Order by consent

In any proceedings under this Act a court may make any consent order by the consent of all the parties to such proceedings.

[Ch0705s52]52. Counselling

The court may, on making an order under this Act, recommend either or both parties to participate in counselling of such nature as the court may specify, including counselling by marriage advocate relations, religious leaders and chiefs.

[Ch0705s53]53. Appeals

(1) A person aggrieved by—

(a) the making of an order by the court; or

(b) the refusal of the court to make an order, may, within twenty-eight days after the decision of the court, appeal against the decision of the court.

(2) Except where the court which makes an order under this Act otherwise directs, the operation of such order shall not be suspended by reason only of an appeal having been lodged

under this section, and every such order may be enforced in the same manner and in all respects as if no appeal under this section were pending.

[Ch0705s54]54. Protection of mortgage

(1) The rights conferred on any person in respect of any property by an order made under this Act shall be subject to the rights of any other person entitled to the benefit of any mortgage, security, charge or encumbrance affecting the property if such mortgage, security, charge or encumbrance was registered before the order was registered or if the rights of that other person entitled to that benefit arise under an instrument executed before the date of the making of the order.

(2) Notwithstanding anything in any written law or in any instrument, no money payable under any mortgage, security, charge or encumbrance shall be called up or become due by reason of the making of an order under this Act.

[Ch0705s55]55. Rules of court

The Chief Justice may make rules for the purpose of regulating the practice and procedure of the court in proceedings under this Act, and providing for such matters as are necessary for giving full effect to the provisions of this Act and for the due administration thereof.

[Ch0705s56]56. Regulations

The Minister may make regulations for the effective carrying out of the provisions of this Act, and without prejudice to the generality of the foregoing, such regulations may provide for—

- (a) the designation of enforcement officers;
- (b) the approval of services or programmes for the purposes of this Act;
- (c) the approval of persons or organizations that could provide services or programmes under this Act;
- (d) the prescribing of qualifications and experience for persons who may provide services;
- (e) the collection of data on incidences and causes of domestic violence for purposes of policy reform and programming;
- (f) additions to, amendment or substitution of any forms; and
- (g) any matter required to be prescribed under this Act.

SCHEDULE

FORM 1

APPLICATION FOR PROTECTION ORDER/INTERIM PROTECTION ORDER

under ss. 5 and 6

In the Court at

.....

No..... of 20.....

Between

A. B. Applicant

and
C. D. Respondent
I,

.....
(Name of Applicant)
of

.....
(Address)

hereby apply under section 5/6 of the Prevention of Domestic Violence Act for a protection order/interim protection order to be made by the court 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 alleged conduct)

.....
Applicant

Dated this day of

FORM 2
PROTECTION ORDER/INTERIM PROTECTION ORDER
under ss. 5 and 6

In the Court at

.....
No..... of 20.....

Between

A. B. Applicant
and

C. D. Respondent

The Court having heard an application made by

.....

(Name of Applicant)

in 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

....., to the day of,

YOU

.....

.....

(Name of Respondent)

1. Shall not engage in the following conduct:

.....

(Specify conduct)

2. Shall not engage in any conduct that constitutes an offence under this Act.

3. 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).

If you the said

..... fail to

comply with any

(Name of Respondent)

of the terms of this Order you shall be liable to imprisonment and/or a fine pursuant to section 31 of the Act.

.....

Registrar/Magistrate

Dated this day of

FORM 3

APPLICATION FOR DISCHARGE OF PROTECTION ORDER OR INTERIM PROTECTION ORDER

under s. 10

In the Court at

No..... of 20.....

Between

A. B. Applicant

and

C. D. Respondent

I, hereby apply under section 10

(Name of Applicant)

of the Prevention of Domestic Violence Act for discharge of the Protection Order made against

.....

(Name of Person against whom the Order was made)

on the day of, 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 discharge of the Order on the following grounds:

.....

.....

.....

(specify grounds and details)

Dated this day of

.....

Applicant

FORM 4

ORDER DISCHARGING PROTECTION ORDER/INTERIM PROTECTION ORDER

under s. 10

In the Court at

.....

No..... of 20.....

Between

A. B. Applicant

and

C. D. Respondent

The Court, having heard an application made under section 5/6 of the Prevention of Domestic Violence Act

by

.....
.....

(Name of Applicant)

in respect of the conduct or threatened conduct of

..... towards

..... and the Court

(Name of Respondent)

(Name of person protected by the Order)

having on the day of 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 for a discharge of the Order and being satisfied that the Order should be discharged, does this day Order that the Protection Order/Interim Protection Order be discharged.

Dated this day of

.....
Registrar/Magistrate

FORM 5

APPLICATION FOR OCCUPATION ORDER/INTERIM OCCUPATION ORDER

under ss. 11 and 12

In the Court at

.....

No..... of 20.....

Between

A. B. Applicant

and

C. D. Respondent

I,

.....
.....

(Name of Applicant)

of

.....
.....

(Address)

hereby apply under section 11/12 of the Prevention of Domestic Violence Act for an Occupation Order/Interim Occupation Order to be made by the

Court 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 alleged conduct)

Dated this day of

.....

Applicant

FORM 6

OCCUPATION ORDER/INTERIM OCCUPATION ORDER

under ss. 11 and 12

In the Court at

.....

No..... of 20.....

Between

A. B. Applicant

and

C. D. Respondent

The Court having heard an application made under section 11/12 of the Prevention of Domestic Violence Act

by

.....
.....

(Name of Applicant)

in respect of the conduct or threatened conduct of

.....

(Name of Respondent)

towards

(Name of person protected)

NOW this Court Orders that, for the period from theday of

..... to

the day of you

.....

(Name of Respondent)

1. Shall not engage in the following conduct:

.....

(specify conduct)

2. Shall not engage in conduct that constitutes a domestic violence offence;

3. Shall comply with the following prohibitions and conditions:

.....

.....

.....

(specify prohibitions and conditions and any period or periods for which they may be imposed)

If you, the said fail to comply with any of

(Name of Respondent)

the terms of this Order you shall be liable to imprisonment and/or a fine pursuant to section 30 of the Act.

Dated this day of

.....

Registrar/Magistrate

FORM 7

APPLICATION FOR VARIATION OR DISCHARGE OF OCCUPATION ORDER/INTERIM OCCUPATION ORDER

under s. 14

In the Court at

.....

No..... of 20.....

Between

A. B. Applicant

and

C. D. Respondent

I,

.....

.....

(Name of Applicant)

hereby apply under section 14 of the Prevention of Domestic Violence Act, for a variation/discharge of the Order made against

.....
.....

(Name of person against whom the Order was made)

on 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 Order)

There have been no previous proceedings in any Court in respect of the said Order and I now ask for a discharge or variation of that order to be made.

[Specify details of variation/grounds for

discharge]

Dated this day of

.....
Applicant

FORM 8
VARIATION OR DISCHARGE INTERIM OCCUPATION ORDER
under s. 14

In the Court at

.....

No..... of 20.....

Between

A. B. Applicant

and

C. D. Respondent

The Court, having heard an application made under section 14 of the Prevention of Domestic Violence Act,

by

.....
.....

(Name of Applicant)

in respect of the conduct or threatened conduct of

.....

.....
.....
(Name of Respondent)

towards

..... and
the Court

(Name of person to be protected)

having on the day of made an Order, a copy of
which is

(Date of original order)

attached, prohibiting the Respondent from engaging in the conduct specified
therein:

.....
.....
Now the Court on the application of

..... this day orders

(Name of Applicant)

that the Occupation Order or (Interim Occupation Order) be:

.....
1. Discharged

.....
....
(Specify effective date of discharge)

2. Varied as

follows:.....

.....
(Specify details of variation)

Dated this day of

.....
Registrar/Magistrate

FORM 9

APPLICATION FOR TENANCY ORDER/INTERIM TENANCY ORDER

under ss. 15 and 16

In the Court at

.....
No..... of 20.....

Between

A. B. Applicant

and
C. D. Respondent
I,

.....
(Name of Applicant)
of

.....
(Address)
hereby apply under section 15/16 of the Prevention of Domestic Violence Act for a Tenancy
Order/Interim Tenancy Order to be made by the Court
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, time, place and details of alleged conduct)
Dated this day of

.....
Applicant

FORM 10
TENANCY ORDER/INTERIM TENANCY ORDER
under ss. 15 and 16

In the Court at

.....
No..... of 20.....

Between
A. B. Applicant

and

C. D. Respondent

The Court having heard an application made under section 15 (1)/16 (1) of the Prevention of Domestic Violence Act,

by

.....

.....

(Name of Applicant)

in respect of the conduct or threatened conduct of

.....

(Name of Respondent)

towards

..... and

the Court

(Name of person to be protected)

Now This Court ORDERS, that for the period from the day of

..... to

theday of you

.....

(Name of Respondent)

1. Shall not engage in the following conduct:

.....

.....

.....

(specify conduct)

2. Shall not engage in any conduct that constitutes an offence under this Act;

3. Shall comply with the following prohibitions and conditions.

.....

.....

(Specify prohibitions and conditions and any period or

Dated this day of

.....
Registrar/Magistrate

FORM 11

APPLICATION TO DISCHARGE TENANCY ORDER AND REVEST TENANCY

under s. 18

In the Court at

.....

No..... of 20.....

Between

A. B. Applicant

and

C. D. Respondent

I,

.....
.....

(Name of Applicant)

hereby apply under section 18 of the Prevention of Domestic Violence Act, for a discharge of the order made against

.....
.....

(Name of person against whom the Order was made)

on the day ofby 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 Order)

There has been no previous proceedings in any Court in respect of the said order and I now ask for a discharge of that order to be made.

Dated this day of

.....
Applicant

FORM 12

ORDER DISCHARGING TENANCY ORDER AND REVESTING TENANCY

under s. 18

In the Court at

.....

No..... of 20.....

Between

A. B. Applicant

and

C. D. Respondent

The Court, having heard an application made under section 18 of the Prevention of Domestic Violence Act,

by

.....
.....

(Name of Applicant)

in respect of the conduct or threatened conduct of

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

(Name of Respondent)

towards

..... and

having on

(Name of person to be protected)

the day of made an order, a copy of which is attached,

(Date of original order)

prohibiting the respondent from engaging in the conduct specified therein:

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

Now the Court on the application of

..... this day orders

(Name of Applicant)

that the Tenancy Order be discharged and re-vested in

.....

with effect from

.....
.....

Dated this day of

.....
Registrar/Magistrate

FORM 13
NOTICE OF PROCEEDINGS
under s. 23

In the Court at

.....

No..... of 20.....

Between

A. B. Applicant
and

C. D. Respondent

TO THE RESPONDENT

TAn application under section 23 of the Prevention of Domestic Violence Act, for a Protection Order/Occupation Order/Tenancy Order has been made
by

.....
.....

(Name of Applicant)

against you.

A copy of the application is attached. The application has been set down for hearing on the

.....

day of, 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 and to be brought before the Court.

Dated this day of

.....

Clerk of Court/Registrar

FORM 14

AFFIDAVIT FOR USE IN PROVING SERVICE OF PROCESS

under s. 23

In the Court at

.....

No. of 20.....

Between

A. B. Applicant

and

C. D. Respondent

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

.....

... Court.

Name of Respondent Name of applicant 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 Deponent

(Name and rank (where applicable) of Deponent)

Dated this day of

.....

Registrar/Magistrate

FORM 15
DOMESTIC VIOLENCE POLICE REPORT
under s. 34

In the Court at

.....

STATION DIVISION Reference No

.....

Complaint made by

.....

Surname First Name

Address

.....

.....

Relationship to Victim or Alleged Offender

.....

Telephone No.:

Mode of Report

.....

.....

(Telephone, Personal, Referred (by whom), etc.)

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

.....

.....

Address

.....

.....

Relationship to Victim/Alleged Offender

.....