

PROTECTION FROM DOMESTIC VIOLENCE ACT

Act 6 of 1997 – 15 August 1997

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SCHEDULE

PROTECTION FROM DOMESTIC VIOLENCE ACT

1. Short title

This Act may be cited as the Protection from Domestic Violence Act.

2. Interpretation

In this Act—

“aggrieved spouse” means the spouse for whose benefit a domestic violence order is sought or is in force;

“child”, in relation to a spouse, includes any biological, adopted, step or foster child below the age of 18 and any other minor in his or her care or custody;

“Court” means the District Court of the area where the person, for whose benefit an order under this Act is sought or is in force, lives;

“domestic violence” includes any of the following acts committed by a person against his spouse, a child of his spouse or another person living under the same roof—

- (a) wilfully causing or attempting to cause physical injury;

- (b) wilfully or knowingly placing or attempting to place the spouse or the other person in fear of physical injury to himself or to one of his children;
- (c) intimidation, harassment, ill-treatment, brutality or cruelty;
- (d) compelling the spouse or the other person by force or threat to engage in any conduct or act, sexual or otherwise, from which the spouse or the other person has the right to abstain;
- (e) confining or detaining the spouse or the other person, against his will;
- (f) harming a child of the spouse;
- (g) causing or attempting to cause damage to the spouse's or the other person's property;
- (h) threatening to commit any act mentioned in paragraphs (a) to (g);

"domestic violence order" means any order issued under this Act;

"Enforcement Officer" means an officer of the Ministry responsible for the subject of family welfare, authorised by the Minister to act as such or a police officer;

"interim order" means a protection order, an occupation order or a tenancy order of an interim nature;

"Minister" means the Minister to whom responsibility for the subject of family welfare is assigned;

"occupation order" means an order issued under section 4;

"Permanent Secretary" means the Permanent Secretary of the Ministry responsible for the subject of family welfare, or any public officer designated by him to act on his behalf;

"property" includes any movable or immovable property of which a spouse has the sole or joint use or possession;

"protection order" means an order issued under section 3;

"residence" means the premises where the parties are or have been living together as members of the same household;

"respondent spouse" means a person against whom a domestic violence order is sought or is in force;

"spouse" means a person who—

- (a) has been civilly or religiously married to a person of the opposite sex and is living or has lived with that person as husband and wife;
- (b) whether living together or not, has the care and custody of a child;

“tenancy order” means an order issued under section 5.

[S. 2 amended by s. 3 of Act 11 of 2004 w.e.f. 19 June 2004; s. 2A of Act 23 of 2007 w.e.f. 15 September 2011.]

3. Protection order

(1) Any person who has been the victim of an act of domestic violence and who reasonably believes that his spouse is likely to commit any further act of domestic violence against him, may apply to the Court, in Form A of the Schedule, for a protection order restraining the respondent spouse from engaging in any conduct which may constitute an act of domestic violence and ordering him to be of good behaviour towards the applicant.

(2) On an application being made for a protection order, the Court shall cause notice of the application to be served on the respondent spouse requiring him to appear before the Court on such day as may be specified in the notice (not later than 14 days of the date of the application) to show cause why the order applied for should not be made.

(3) Subject to such Rules as may be made by the Chief Justice, an application for a protection order shall be heard in such manner as the Court thinks fit.

(4) In determining an application for a protection order, the Court shall have regard to the following—

- (a) the need to ensure that the aggrieved spouse is protected from domestic violence;
- (b) the welfare of any child affected, or likely to be affected, by the respondent spouse’s conduct;
- (c) the accommodation needs of the aggrieved spouse, his children as well as those of the respondent spouse and his children;
- (d) any hardship that may be caused to the respondent spouse or to any of his children as a result of the making of the order; and
- (e) any other matter which the Court may consider relevant.

(5) Where a protection order is made, the Court may further—

- (a) prohibit the respondent spouse from—
 - (i) being on premises on which the aggrieved spouse resides or works;
 - (ii) being on premises specified in the order, being premises frequented by the aggrieved spouse;
 - (iii) approaching within a specified distance of the aggrieved spouse;
 - (iv) contacting, harassing, threatening or intimidating the aggrieved spouse;
 - (v) damaging property of the aggrieved spouse; or
 - (vi) causing or attempting to cause another person to engage in conduct referred to in paragraphs (d) and (e);

- (b) specify the conditions on which the respondent spouse may—
 - (i) be on premises on which the aggrieved spouse resides or works or which he frequents; or
 - (ii) approach or contact the aggrieved spouse or his child;
- (c) *proprio motu*, make an interim occupation or tenancy order for such time as it thinks fit, where it is satisfied that such an order, although not applied for, is essential for the effective protection of the aggrieved spouse.

(6) (a) A protection order shall be in Form C of the Schedule and shall remain in force for such period, not exceeding 24 months, as the Court may specify.

(b) Where a protection order contains a prohibition or condition of the kind specified in subsection (5), the Court may specify different periods, being periods none of which exceeds 24 months, as the period for which each prohibition or condition is to remain in force.

(7) Where the Court is satisfied that there is a serious risk of harm being caused to the aggrieved spouse before the application may be heard and that the circumstances revealed in the application are such as to warrant the intervention of the Court even before the respondent spouse is heard, the Court may—

- (a) issue an interim protection order in Form B of the Schedule, restraining the respondent spouse from engaging in any conduct which may constitute an act of domestic violence and ordering him to be of good behaviour towards his spouse; and
- (b) order the Commissioner of Police to provide police protection to the aggrieved spouse until such time as the interim order is served on the respondent spouse or for such time as the particular circumstances of the case may justify.

(8) Where an interim protection order is issued, the District Clerk shall immediately take steps to have a copy of the order served on the respondent spouse requiring him to appear before the Court on such day as may be specified in the order to show cause why it should not be confirmed, varied or discharged.

(9) An interim protection order shall, unless the Court directs otherwise, remain in force until such time as the Court makes a final pronouncement on the application for the protection order.

(10) (a) Where a protection order is in force, either party may apply to the Court for a variation or revocation of the order.

(b) The spouse applying for the variation or revocation shall cause a copy of the application to be served on the other spouse.

(c) In determining whether to vary or revoke a protection order, the Court shall have regard to the matters specified in subsection (4).

[S. 3 amended by s. 4 of Act 11 of 2004 w.e.f. 19 June 2004; s. 3 of Act 23 of 2007 w.e.f. 26 September 2011.]

3A. Protection order against a person living under same roof

(1) Any person who has been the victim of an act of domestic violence by a person, other than his spouse, living under the same roof, and who reasonably believes that that person is likely to commit any further act of domestic violence against him, may apply to the Court, in Form AA of the Schedule, for a protection order restraining that person from engaging in any conduct which may constitute an act of domestic violence and ordering him to be of good behaviour towards the applicant.

(2) Where an application for a protection order is made under subsection (1), the Court shall cause a notice of the application to be served on the respondent ordering him to appear before the Court on such day as may be specified in the notice, which shall not be later than 14 days from the date of the application, to show cause why the order applied for should not be made.

(3) Subject to such Rules as may be made by the Chief Justice, an application for a protection order shall be heard in such manner as the Court thinks fit.

(4) In determining an application for a protection order, the Court shall have regard to the following—

- (a) the need to ensure that the applicant is protected from domestic violence;
- (b) the welfare of any child affected, or likely to be affected, by the respondent's conduct;
- (c) the accommodation needs of the applicant, his children, as well as those of the respondent and his children;
- (d) any hardship that may be caused to the respondent or to any of his children as a result of the making of the order; and
- (e) any other matter which the Court may consider relevant.

(5) Where a protection order is made, the Court may further—

- (a) prohibit the respondent from—
 - (i) contacting, harassing, threatening or intimidating the applicant;
 - (ii) damaging property of the applicant; or
 - (iii) causing or attempting to cause another person to engage in any conduct referred to in paragraphs (i) and (ii);
- (b) specify the conditions on which the respondent may—
 - (i) be on the premises on which the applicant resides or works or which he frequents; or
 - (ii) approach or contact the applicant or his child.

(6) (a) A protection order made under this section shall be in Form CA of the Schedule and shall remain in force for such period, not exceeding 24 months, as the Court may specify.

(b) Where a protection order contains a prohibition or condition of the kind specified in subsection (5), the Court may specify different periods, being periods none of which shall exceed 24 months, as the periods for which each prohibition or condition is to remain in force.

(7) Where the Court is satisfied that there is a serious risk of harm being caused to the applicant before the application may be heard and that the circumstances revealed in the application are such as to warrant the protection of the Court even before the respondent is heard, the Court may—

- (a) issue an interim protection order in Form BA of the Schedule, restraining the respondent from engaging in any conduct which may constitute an act of domestic violence and ordering him to be of good behaviour towards the applicant; and
- (b) order the Commissioner of Police to provide police protection to the applicant until such time as the interim order is served on the respondent or for such time as the particular circumstances of the case may justify.

(8) Where an interim protection order is issued, the District Clerk shall immediately take steps to have a copy of the order served on the respondent requiring him to appear before the Court on such day as may be specified in the order to show cause why it should not be confirmed, varied or discharged.

(9) An interim protection order shall, unless the Court directs otherwise, remain in force until such time as the Court makes a final pronouncement on the application for the protection order.

(10) (a) Where a protection order is in force, either party may apply to the Court for a variation or revocation of the order.

(b) The person applying for the variation or revocation of a protection order shall cause a copy of the application to be served on the other person concerned.

(c) In determining whether to vary or revoke a protection order, the Court shall have regard to the matters specified in subsection (4).

[S. 3A inserted by s. 5 of Act 11 of 2004 w.e.f. 19 June 2004; amended by s. 4 of Act 23 of 2007 w.e.f. 26 September 2011.]

3B. Counselling

The Court may, subject to the consent of both parties, order, in addition to any order made under section 3 or 3A, the parties to attend counselling sessions organised by the Ministry.

[S. 3B inserted by s. 5 of Act 11 of 2004 w.e.f. 19 June 2004.]

4. Occupation order

(1) Any person who has been the victim of an act of domestic violence and who reasonably believes that his spouse is likely to commit any further act of domestic violence against him, may apply to the Court in Form D of the Schedule, for an occupation order granting him the exclusive right to live in the residence belonging to him, the respondent spouse or both of them.

(2) On an application being made for an occupation order, the Court shall cause notice of the application to be served on the respondent spouse requiring him to appear before Court on such day as may be fixed by the Court (not later than 14 days of the date of the application) to show cause why the order applied for should not be made.

(3) Subject to such Rules as may be made by the Chief Justice, an application for an occupation order shall be heard in such manner as the Court thinks fit.

(4) The Court shall, on being satisfied that it is necessary for the protection of the aggrieved spouse or of his child and that it is in the best interest of the family, make an occupation order in Form F of the Schedule, for a period not exceeding 24 months.

(5) Where the Court is satisfied that there is a serious risk of harm being caused to the applicant before the application may be heard and that the circumstances revealed in the application are such as to warrant the protection of the Court even before the respondent spouse is heard, the Court may issue an interim occupation order in Form E of the Schedule granting the applicant the exclusive right to live in and occupy the residence.

(6) An interim occupation order shall, unless the Court directs otherwise, remain in force until such time as the Court makes a final pronouncement on the application for the protection order.

(7) Where an interim occupation order is issued, the District Clerk shall immediately take steps to have a copy of the order served on the respondent spouse requiring him to appear before the Court on such day as may be fixed by the Court to show cause why the said order should not be confirmed, varied or discharged.

(8) (a) Where an occupation order is in force, either party may apply to the Court for its variation or revocation.

(b) The spouse applying for such variation or revocation shall cause a copy of his application to be served on the other spouse.

(c) In determining whether to vary or revoke an occupation order, the Court shall have regard to the matters specified in subsection (4).

[S. 4 amended by s. 6 of Act 11 of 2004 w.e.f. 19 June 2004; s. 4A of Act 23 of 2007 w.e.f. 26 September 2011.]

5. Tenancy order

(1) Any spouse who has been the victim of an act of domestic violence and who reasonably believes that his spouse is likely to commit any further act of domestic violence against him may apply to the Court, in Form G of the Schedule, for a tenancy order so that the tenancy of the residence occupied by him should vest in him.

(2) On an application being made for a tenancy order, the Court shall cause notice thereof to be served on the respondent spouse requiring him to appear before the Court on such day as may be fixed by the Court (not later than 14 days of the date of the application) to show cause why the order applied for should not be made.

(3) Subject to such Rules as may be made by the Chief Justice, an application for a tenancy order shall be heard in such manner as the Court thinks fit.

(4) The Court shall not make a tenancy order in Form I of the Schedule unless it is satisfied that such an order is necessary for the protection of the aggrieved spouse, of his child or of both of them and that it is in the best interest of the family.

(5) Where the Court is satisfied that there is a serious risk of harm being caused to the applicant before the application may be heard and that the circumstances revealed in the application are such as to warrant the protection of the Court even before the respondent spouse is heard, the Court may issue an interim tenancy order in Form H of the Schedule granting the applicant the exclusive right to live in the residence.

(6) An interim tenancy order shall, unless the Court directs otherwise, remain in force until such time as the Court makes a final pronouncement on the application for the tenancy order.

(7) Where an interim tenancy order is issued, the District Clerk shall immediately take steps to have a copy of the order served on the respondent spouse who shall be summoned to appear before Court on such day as may be fixed by the Court to show cause why the said order should not be confirmed, varied or discharged.

(8) (a) Where a tenancy order is in force, either party may apply to the Court for a variation or revocation of same.

(b) The spouse moving for such variation or revocation shall cause a copy of the application to be served on the other spouse.

(c) In determining whether to vary or revoke a tenancy order, the Court shall have regard to the matters specified in subsection (4).

[S. 5 amended by s. 7 of Act 11 of 2004 w.e.f. 19 June 2004; s. 4B of Act 23 of 2007 w.e.f. 26 September 2011.]

6. Effect of tenancy order

(1) On the taking effect of a tenancy order, the aggrieved spouse shall, subject to subsection (2), be deemed to become the tenant of the dwelling house subject to the terms and conditions of the tenancy in force at the time of the making of that order.

(2) Except where the Court orders otherwise, the spouse who, before the tenancy order was, by the terms of the contract of tenancy, responsible for the payment of the rent, shall continue to be so responsible.

7. Permanent occupation and tenancy orders

(1) Before any permanent occupation or tenancy order is made, notice of the application shall be given to any person having an interest in the property which may be affected by the order and any such person shall be entitled to appear and be heard in the matter as if he were a party to the application.

(2) Where an application is made for an occupation or tenancy order, the Court may treat the application as one for occupation or tenancy, as appropriate, to ensure the right which the aggrieved spouse in fact needs for his protection.

8. Ancillary order for household effects

(1) On or after making an occupation or tenancy order, the Court may, subject to subsection (2)—

- (a) make an order granting to the aggrieved spouse the use, for such period and on such terms and conditions as the Court thinks fit, of all or any furniture, appliances and other household effects in the residence to which the order relates; and
- (b) where appropriate, order the aggrieved spouse, the respondent spouse or both of them, to contribute to the—
 - (i) loan or mortgage repayments;
 - (ii) repairs or maintenance,

of the residence.

(2) An order made under this section—

- (a) may, on the application of one of the parties, be varied or discharged;
- (b) shall, unless the Court otherwise directs, be deemed to be made for a period corresponding to the occupation or tenancy order to which it is ancillary;
- (c) shall, irrespective of the terms of the order, expire when the occupation or tenancy order expires or is discharged.

[S. 8 amended by s. 8 of Act 11 of 2004 w.e.f. 19 June 2004.]

8A. Report on compliance

The Court may, in addition to any order made under this Act and where it so deems appropriate, direct a probation officer to report to it on the compliance of such order, at such intervals as it thinks fit.

[S. 8A inserted by s. 9 of Act 11 of 2004 w.e.f. 19 June 2004.]

8B. Ancillary order for alimony

(1) Subject to subsections (2) and (3), the Court may, in addition to any order made under this Act and where it so deems appropriate, order a respondent spouse to pay to an aggrieved spouse and any child of the parties alimony on such terms and conditions as the Court thinks fit.

(2) An order made under this section—

- (a) may, on the application of one of the parties, be varied or discharged;
- (b) shall, unless the Court otherwise directs, be deemed to be made for a period corresponding to the order to which it is ancillary;

- (c) shall, irrespective of the terms of the order, expire when the order to which it is ancillary expires or is discharged.

(3) No order for payment of alimony shall be made under subsection (1) where the respondent spouse is already paying alimony to the aggrieved spouse or the child of the parties by virtue of a judicial order.

[S. 8B inserted by s. 5 of Act 23 of 2007 w.e.f. 15 September 2011.]

9. Proceedings to be in camera

The hearing of any proceedings under this Act shall, subject to section 10 (10) of the Constitution, be held in camera.

10. Registry

(1) The Registry of the Court shall maintain a record of all applications filed pursuant to this Act and of all protection, occupation and tenancy orders issued by the Court.

(2) The record shall contain—

- (a) the names, address, age, sex and relationship of the parties;
- (b) the domestic violence alleged, whether it involved any weapon or resulted in personal injuries and whether the injuries inflicted required medical treatment;
- (c) the effective date and terms of each order issued; and
- (d) the address of the property concerned by the order and, where applicable, the name of the landlord.

11. Duties of Enforcement Officers

(1) Where an Enforcement Officer reasonably suspects that a person is the victim of an act of domestic violence, he shall, as soon as possible, cause an investigation to be made into the matter.

(2) Where it is reported to an Enforcement Officer that a person has been or is likely to be the victim of an act of domestic violence, he shall immediately cause an entry to be made in the Police Station Occurrence Book or such other record maintained for that purpose and shall, as soon as possible, cause an investigation to be made in the matter.

(3) Where, after investigation, the officer reasonably believes that action should be taken to protect the victim of an act of domestic violence from any further violence, he shall—

- (a) explain to the aggrieved spouse his rights to protection against domestic violence;
- (b) provide or arrange transport for the aggrieved spouse to an alternative residence or a safe place of shelter, if such transport is required;

- (c) provide or arrange transport for the aggrieved spouse to the nearest hospital or medical facility for the treatment of injuries, if such treatment is needed;
- (d) assist the aggrieved spouse in filing a complaint regarding the domestic violence; and
- (e) accompany and assist the aggrieved spouse to his residence or previous residence for the collection of his personal belongings.

(4) An Enforcement Officer may, with the consent of an aggrieved spouse, file on his behalf an application for an interim or permanent protection, occupation or tenancy order and shall to that effect swear an affidavit reciting the facts on which he relies to make the application on behalf of the aggrieved spouse.

12. Protection from liability of informers

(1) Any person who has reason to believe that an act of domestic violence has been, is being or is likely to be committed, may so inform an Enforcement Officer.

(2) No liability, civil or criminal, shall be incurred by an informer for information given in good faith for the purpose of subsection (1).

13. Offences

(1) Any person who wilfully fails to comply with any interim order, protection order, occupation order, tenancy order or ancillary order made under this Act shall commit an offence and shall, on conviction, be liable—

- (a) on a first conviction, to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding 2 years;
- (b) on a second or subsequent conviction, to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) Any person who commits an offence under subsection (1) may be arrested by the Police.

(3) (a) The Police shall act with diligence in any case where an offence under the Act is reported to it.

(b) Any police officer to whom an offence under this Act is reported shall report the matter forthwith—

- (i) to the nearest hospital or other medical institution, where the complainant is in urgent need of medical assistance;
- (ii) to the Permanent Secretary, where the complainant is in urgent need of counselling or any other form of psychological support.

(c) Where the matter has been reported to the Permanent Secretary under paragraph (b), he shall arrange for the complainant to consult a

psychologist or other suitable person forthwith for counselling or such other support as may be required.

[S. 13 amended by s. 10 of Act 11 of 2004 w.e.f. 19 June 2004; repealed and replaced by s. 6 of Act 23 of 2007 w.e.f. 15 September 2011.]

13A. Order to attend counselling sessions following conviction

(1) (a) In exceptional cases, where a Court by or before which a person is convicted of an offence under section 13 is of opinion that, having regard to the circumstances, including the nature of the offence and the character, antecedents, mental and psychological condition, age, health and home surroundings of the offender, it is expedient to do so, the Court may, instead of sentencing him, order him to attend counselling sessions organised by the Ministry.

(b) Where a Court is satisfied that the offender has failed to comply with an order made under paragraph (a), it may sentence him for his original offence, in accordance with section 13.

(2) The order to attend counselling sessions made under subsection (1) (a) shall be for such period, not exceeding 2 years, and on such terms and conditions as the Court thinks fit.

(3) The Court may require the Ministry to provide a report with a view to assisting the Court in determining the most suitable method of dealing with an offender.

(4) Before making an order under subsection (1), the Court shall explain to the offender, in a language he understands, the effect of the order and that, if he fails in any way to comply with the order, he shall be liable to be sentenced for the original offence.

(5) The Court shall not order an offender to attend counselling sessions unless he expresses his willingness to comply with the order and the victim has no objection thereto.

(6) The Permanent Secretary of the Ministry shall report any failure by an offender to comply with an order made under subsection (1) to the Court which made that order.

(7) On receipt of a report under subsection (5), the Court may—

- (a) issue a summons to the offender requiring him to appear at a place and time specified in the summons;
- (b) issue a warrant for the arrest of the offender.

[S. 13A inserted by s. 7 of Act 23 of 2007 w.e.f. 15 September 2011.]

14. —

15. Service of documents

Where it appears to the Court that it is not reasonably possible to serve a copy of an application under this Act personally, the Court may make an order for substituted service.

16. Appeals

(1) Subject to subsection (2), an appeal shall lie to the Judge in Chambers against any decision concerning a protection, occupation or tenancy order in the same way as an appeal lies from a decision of a District Court in the exercise of its civil jurisdiction.

(2) No appeal shall lie against any decision concerning interim protection orders, interim occupation orders or interim tenancy orders.

(3) An appeal against an order shall not have for effect to suspend its operation until the decision of the Judge in Chambers.

17. Costs

(1) Notwithstanding any other enactment, no costs shall be allowed in any proceedings under this Act, nor shall any aggrieved person appealing against any decision under section 16 (1) be required to furnish any recognisance to prosecute the appeal.

(2) Notwithstanding any other enactment, all civil, judicial and extra judicial acts, and all documents made use of or produced before the Court, in any matter arising out of or brought under this Act, shall be exempt from registration and stamp duties and from the payment of any fees.

18. Regulations

The Minister may make such regulations as he thinks fit for the purposes of this Act.

19. Rules

The Chief Justice may, after consultation with the Rules Committee set up under section 199 of the Courts Act and the Judges, make such rules as he thinks fit for the purposes of this Act.

[S. 19 inserted by s. 7A of Act 23 of 2007 w.e.f. 15 September 2011.]

SCHEDULE

FORM A

[Section 3 (1)]

PROTECTION FROM DOMESTIC VIOLENCE ACT

APPLICATION FOR PROTECTION ORDER

In the District Court of
I
of
being the spouse of of
inasmuch as—

(a) we are civilly/religiously married;

SCHEDULE—continued

(b) we have lived together as husband and wife; and
I/we are the biological parents of a common child,

MAKE OATH/SOLEMN AFFIRMATION AND SAY THAT—

1. I have been the victim of an act of domestic violence inasmuch as my said spouse has
2. I have reasonable cause to believe that my said spouse is likely to commit further acts of domestic violence unless he/she is restrained from so doing.
3. I therefore move that my said spouse be summoned to appear before Court to show cause why a Protection Order, under section 3 (1) of the Protection from Domestic Violence Act, should not be issued restraining my said spouse from engaging in conduct which may constitute further acts of domestic violence and ordering him/her to be of good behaviour towards me.
4. I further aver that there is a serious risk of harm being caused to me before the present application for a Protection Order may be heard by the Court and that it is therefore urgent and necessary that an interim Protection Order be issued under section 3 (7) of the Protection from Domestic Violence Act.

Sworn before me

.....
District Magistrate

This day of 20 ..

[Form A amended by s. 11 (a) (i) of Act 11 of 2004 w.e.f. 19 June 2004.]

FORM AA

[Section 3A (1)]

PROTECTION FROM DOMESTIC VIOLENCE ACT

APPLICATION FOR PROTECTION ORDER

In the District Court of

I
of (Applicant)

MAKE OATH/SOLEMN AFFIRMATION AND SAY THAT—

1. I have been the victim of an act of domestic violence by
..... (Respondent) a person living under the
same roof, not being my spouse, in as much as the Respondent
2. I have reasonable cause to believe that the Respondent is likely to commit further acts of domestic violence unless he/she is restrained from so doing.

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FORM AA—continued

- 3. I therefore move that the Respondent be summoned to appear before Court to show cause why a Protection Order, under section 3A (1) of the Protection from Domestic Violence Act, should not be issued restraining the Respondent from engaging in conduct which may constitute further acts of domestic violence and ordering him/her to be of good behaviour towards me.
- 4. I further aver that there is a serious risk of harm being caused to me before the present application for a Protection Order may be heard by the Court and that it is therefore urgent and necessary that an interim Protection Order be issued under section 3A (7) of the Protection from Domestic Violence Act.

Sworn before me

.....

District Magistrate

This day of 20

[Form AA inserted by s. 11 (b) (i) of Act 11 of 2004 w.e.f. 19 June 2004.]

FORM B

[Section 3 (7)]

**PROTECTION FROM DOMESTIC VIOLENCE ACT
INTERIM PROTECTION ORDER**

In the District Court of

To of

Whereas I am satisfied by information ON OATH that—

Mr/Mrs

who has applied for a Protection Order under section 3 (1) of the Protection from Domestic Violence Act has reasonable cause to believe that he/she may be the victim of further acts of domestic violence and that it is urgent and necessary that an interim Protection Order be issued under section 3 (7) of the said Protection from Domestic Violence Act.

You the said are therefore restrained from engaging in any conduct which may constitute an act of domestic violence against your said spouse and you are further ordered to be of good behaviour towards him/her pending the decision of this Court in the application filed by him/her for a Protection Order.

You are further summoned to appear before the District Court of on to show cause why the said interim Protection Order should not be confirmed, varied or discharged.

Warning you that, should you fail to appear before the Court as hereby requested, the Court may proceed to hear the application for the issue of the Protection Order in your absence.

Given under my hand at in the District Court of

.....

District Magistrate

This day of 20

[Form B amended by s. 11 (a) (ii) of Act 11 of 2004 w.e.f. 19 June 2004.]

FORM BA

[Section 3A (7)]

**PROTECTION FROM DOMESTIC VIOLENCE ACT
INTERIM PROTECTION ORDER**

In the District Court of

To

(Respondent) of

Whereas I am satisfied by information ON OATH that—

..... (Applicant) who has applied for a Protection Order under section 3A (1) of the Protection from Domestic Violence Act has reasonable cause to believe that he/she may be the victim of further acts of domestic violence and that it is urgent and necessary that an interim Protection Order be issued under section 3A (7) of the said Protection from Domestic Violence Act.

You, the said are therefore restrained from engaging in any conduct which may constitute an act of domestic violence against the Applicant, and you are further ordered to be of good behaviour towards him/her pending the decision of this Court in the application filed by him/her for a Protection Order.

You are further summoned to appear before the District Court of on to show cause why the said interim Protection Order should not be confirmed, varied or discharged.

Warning you that, should you fail to appear before the Court as hereby requested, the Court may proceed to hear the application for the issue of the Protection Order in your absence.

Given under my hand at
in the District Court of

.....
District Magistrate

This day of 20

[Form BA inserted by s. 11 (b) (ii) of Act 11 of 2004 w.e.f. 19 June 2004.]

FORM C

[Section 3 (6)]

**PROTECTION FROM DOMESTIC VIOLENCE ACT
PROTECTION ORDER**

In the District Court of

To

Take notice you the said

that after hearing an application from your spouse Mr/Mrs

FORM C—continued

for the issue of a Protection Order, the Court, in virtue of the powers conferred upon it by section 3 of the Protection from Domestic Violence Act, hereby restrains you from engaging in any conduct which may constitute an act of domestic violence against your said spouse and further orders you to be of good behaviour towards him/her.

The said Protection Order shall remain in force until

Take also notice that the Court, in virtue of the powers conferred upon it by section 3 (5) of the Protection from Domestic Violence Act, further prohibits you

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

This prohibition order shall remain in force until

Given under my hand at in the District Court of

.....

District Magistrate

This day of 20

FORM CA

[Section 3A (6)]

PROTECTION FROM DOMESTIC VIOLENCE ACT

PROTECTION ORDER

In the District Court of

To

(Respondent) of

Take notice you the said

that after hearing an application from (Applicant)

for the issue of a Protection Order, the Court, in virtue of the powers conferred upon it by section 3A of the Protection from Domestic Violence Act hereby restrains you from engaging in any conduct which may constitute an act of domestic violence against the Applicant and further orders you to be of good behaviour towards him/her.

The said Protection Order shall remain in force until

Take also notice that the Court, in virtue of the powers conferred upon it by section 3A (5) of the Protection from Domestic Violence Act, further prohibits you

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

This prohibition order shall remain in force until

FORM CA—continued

Given under my hand at in the District
Court of

.....
District Magistrate

This day of 20

[Form CA inserted by s. 11 (b) (iii) of Act 11 of 2004 w.e.f. 19 June 2004.]

FORM D

[Section 4 (1)]

PROTECTION FROM DOMESTIC VIOLENCE ACT

APPLICATION FOR OCCUPATION ORDER

In the District Court of

I

of

being the spouse of of

inasmuch as—

- (a) we are civilly/religiously married;
- (b) we have lived together as husband and wife; and
- (c) we are the parents of a common child

MAKE OATH/SOLEMN AFFIRMATION AND SAY THAT—

1. I have been the victim of an act of domestic violence inasmuch as my said spouse has
.....
.....
2. I have reasonable cause to believe that my said spouse is likely to commit further acts of domestic violence unless he/she is restrained from so doing.
3. I further aver that given the conduct of my said spouse, it is necessary that he/she should not be allowed to live in our residence.
4. I therefore move that my said spouse be summoned to appear before Court to show cause why an Occupation Order, under section 4 (1) of the Protection from Domestic Violence Act, should not be issued granting me the exclusive right to live in the residence belonging to me/him/her/both of us.
5. I further aver that there is a serious risk of harm being caused to me before the present application for an Occupation Order may be heard by the Court and that it is therefore urgent and necessary that an interim Occupation Order be issued under section 4 (5) of the Protection from Domestic Violence Act.

Sworn before me

.....
District Magistrate

This day of 20

FORM E

[Section 4 (5)]

**PROTECTION FROM DOMESTIC VIOLENCE ACT
INTERIM OCCUPATION ORDER**

In the District Court of
To of
Whereas I am satisfied by information ON OATH that—
Mr/Mrs
who has applied for an Occupation Order under section 4 of the Protection from Domestic Violence Act has reasonable cause to believe that he/she may be the victim of further acts of domestic violence and that it is urgent and necessary that an interim Occupation Order be issued under section 4 (5) of the said Protection from Domestic Violence Act.
These are therefore to warn you that the said Mr/Mrs
your spouse shall as from this day have the exclusive right to live at the residence now occupied by both of you, the tenancy of which is vested in him/her pending the decision of this Court in the application filed by him/her for an Occupation Order.
You are further summoned to appear before the District Court of
on to show cause why the said interim Occupation Order should not be confirmed, varied or discharged.
Warning you that, should you fail to appear before the Court as hereby requested, the Court may proceed to hear the application for the issue of the Occupation Order in your absence.
Given under my hand at in the District Court of

.....
District Magistrate

This day of 20

[Form E amended by s. 11 (a) (iii) of Act 11 of 2004 w.e.f. 19 June 2004.]

FORM F

[Section 4 (4)]

**PROTECTION FROM DOMESTIC VIOLENCE ACT
OCCUPATION ORDER**

In the District Court of
To of
Take notice you the said
that after hearing an application from your spouse Mr/Mrs

FORM F—continued

for the issue of an Occupation Order in respect of the residence owned by you/him/her/both of you and situated at the Court has, in virtue of the powers conferred upon it by section 4 (1) of the Protection from Domestic Violence Act, made an order granting to your said spouse the exclusive right to occupy the said residence, for a period of months as from this day.

Take notice that the present order shall remain in force until such time as it is varied or discharged.

Given under my hand at in the District Court of

.....

District Magistrate

This day of 20

FORM G

[Section 5 (1)]

**PROTECTION FROM DOMESTIC VIOLENCE ACT
APPLICATION FOR TENANCY ORDER**

In the District Court of

I

of

being the spouse of of

inasmuch as—

- (a) we are civilly/religiously married;
- (b) we have lived together as husband and wife; and
- (c) we are the parents of a common child

MAKE OATH/SOLEMN AFFIRMATION AND SAY THAT—

1. I have been the victim of an act of domestic violence inasmuch as my said spouse has
.....
.....
2. I have reasonable cause to believe that my said spouse is likely to commit further acts of domestic violence unless he/she is restrained from so doing.
3. I further aver that given the conduct of my said spouse, it is necessary that he/she should not be allowed to live in our residence.
4. I therefore move that my said spouse be summoned to appear before Court to show cause why a Tenancy Order, under section 5 (1) of the Protection from Domestic Violence Act, should not be issued vesting in me the tenancy of the said residence and granting me the exclusive right to live in the residence.

FORM G—continued

5. I further aver that there is a serious risk of harm being caused to me before the present application for a Tenancy Order may be heard by the Court and that it is therefore urgent and necessary that an interim Tenancy Order be issued under section 5 (5) of the Protection from Domestic Violence Act.

Sworn before me

.....

District Magistrate

This day of 20

FORM H

[Section 5 (5)]

**PROTECTION FROM DOMESTIC VIOLENCE ACT
INTERIM TENANCY ORDER**

In the District Court of

To

Whereas I am satisfied by information ON OATH that—

Mr/Mrs

who has applied for a Tenancy Order under section 5 (1) of the Protection from Domestic Violence Act has reasonable cause to believe that he/she may be the victim of further acts of domestic violence and that it is urgent and necessary that an interim Tenancy Order be issued under section 5 (5) of the said Protection from Domestic Violence Act.

These are therefore to warn you that the said Mr/Mrs your spouse shall as from this day ... have the exclusive right to live at the residence now occupied by both of you, the tenancy of which is vested in him/her pending the decision of this Court in the application filed by him/her for a Tenancy Order.

You are further summoned to appear before the District Court of on to show cause why the said interim Tenancy Order should not be confirmed, varied or discharged.

Warning you that, should you fail to appear before the Court as hereby requested, the Court may proceed to hear the application for the issue of the Tenancy Order in your absence.

Given under my hand at in the District Court of

.....

District Magistrate

This day of 20

[Form H amended by s. 11 (a) (iv) of Act 11 of 2004 w.e.f. 19 June 2004.]

FORM I

[Section 5 (4)]

PROTECTION FROM DOMESTIC VIOLENCE ACT

TENANCY ORDER

In the District Court of

To of

Take notice you the said

that after hearing an application order from your spouse Mr/Mrs
for the issue of a Tenancy Order in respect of the residence rented by
you/him/her/both of you and situated at, the Court,
has in virtue of the powers conferred upon it by section 5 of the Protection from
Domestic Violence Act made an order granting to your said spouse the exclusive
right to live in and occupy the said residence and vesting in him/her the tenancy
thereof.

The Court further orders you the Respondent spouse to continue to pay to the land-
lord of the said residence the rent due for same.

Given under my hand at in the District Court of

.....
District Magistrate

This day of 20
