ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER D42

DOMESTIC VIOLENCE ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises Act 4/2015, in force 4 November 2015

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DOMESTIC VIOLENCE ACT

PART 1

PRELIMINARY

Interpretation

1. In this Act—

"applicant" means a person who applies for, or on whose behalf an application is made for, an order pursuant to section 3(1);

"approved social worker" means a person experienced and qualified in social work and approved by the Minister in writing;

"attorney-at-law" means an individual who has been admitted to practise law before the Eastern Caribbean Supreme Court in Anguilla;

"child" means a person under the age of 18 years who normally resides with the applicant and is not married nor has been married and is—

(a) a child of the applicant and the respondent or either of them;

(b) an adopted child, a stepchild, or a child who is treated as a child of the family;

(c) related by consanguinity or affinity to either the applicant or the respondent;

(d) in the care and protection of the applicant or the respondent;

(e) a person of whom either the applicant or the respondent is a guardian; or

(f) a member of, or a person who has been a member of a shared household;

"cohabitant" means a person who is living or has lived with a person as a husband or wife although not legally married to that person;

"Commissioner" means the Commissioner of Social Development;

"Court" means the Magistrate's Court or the High Court;

"dangerous weapon" means any article or object made or adapted for use for causing injury to, or incapacitating a person, or intended by the person having it with him or her for such use;

"dependant" means a person over the age of 18 years who, by reason of physical or mental disability, age or infirmity, is reliant on either the applicant or the respondent for their welfare;

"domestic relationship" means a relationship between an applicant and a respondent in any of the following ways—

(a) they are or were married to each other, including marriage according to any law, custom or religion;

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(b) they are cohabitants or were cohabitants;

(c) they are the parents of a child or are persons who have or had parental responsibility for that child, whether or not at the same time;

(d) they are family members related by consanguinity, affinity or adoption;

(e) they would be family members related by affinity if the persons referred to in paragraph (b) were married to each other;

(f) they are or were in an engagement, dating or visiting relationship which includes but is not limited to a romantic, intimate or sexual relationship of any duration; or

(g) they share or have shared the same household or residence;

"domestic violence" means any controlling or abusive behaviour in a domestic relationship that harms or may harm the health, safety or well-being of a person or a child regardless of gender and includes, but is not limited to, the following—

(a) physical abuse or threats of physical abuse;

(b) sexual abuse or threats of sexual abuse;

(c) emotional, verbal or psychological abuse;

(d) economic abuse;

(e) intimidation;

(f) harassment;

(g) stalking;

(h) ill-treating or threatening to ill-treat any person who has a close relationship with the applicant even though that relationship may not be a domestic relationship;

(i) causing or threatening to cause damage to or destruction of property; or

(j) entry into the applicant's residence without consent, where the parties do not share the same residence;

"economic abuse" includes—

(a) the avoidance of financial obligations owed to the applicant, a child or a dependant of the respondent, including mortgage or rental obligations; or

(b) a pattern of behaviour the purpose of which is to exercise coercive control over, or exploit or limit a person's access to financial resources to ensure financial dependence;

"electronic mail" includes any form of electronic communication through the internet or other social media;

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"emotional, verbal and psychological abuse" means degrading or humiliating conduct by the respondent to the applicant, the purpose of which is to undermine the applicant's emotional or mental well-being including—

(a) repeated insults, ridicule or name calling;

(b) threats used to cause emotional pain;

(c) exhibition of behaviour which constitutes serious invasion of the applicant's privacy, liberty, integrity or security;

(d) the forced confinement of the applicant; or

(e) the transmission of telephone text messaging or electronic mail to the applicant or any member of the public;

"firearm" has the meaning assigned to it in the Firearms Act;

"harassment" means engaging in a pattern of conduct that induces the fear of harm including—

(a) watching or loitering outside of or near the building or place where the applicant resides, works, carries on business, studies or happens to be;

(b) repeatedly making telephone calls or inducing another person to make telephone calls to the applicant, whether or not conversation ensues; or

(c) repeatedly sending, delivering or causing the delivery of letters, telegrams, telephone text messages, facsimiles, electronic mail, packages or other objects to the applicant;

"interim protection order" means an order made pursuant to section 4;

"intimidation" means uttering, conveying or causing any person to receive a threat which induces fear;

"Judicial Officer" means a Judge or a Magistrate;

"member of the household" means a person who normally resides in the same dwelling house as the applicant or the respondent and is related to the applicant or respondent by consanguinity, affinity or adoption;

"Minister" means the Minister responsible for Social or Family Services;

"monetary relief" means compensation for monetary loss suffered by the applicant, a child or dependant as a result of the domestic violence, including—

(a) loss of earnings;

(b) medical and dental expenses;

(c) moving, relocation and accommodation expenses;

(d) household necessities and other interim expenses;

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(e) legal and other costs incurred in making an application pursuant to this Act; or

(f) any other monetary relief that the Court considers to be just;

"physical abuse" means any act of assault;

"police officer" means a member of the Anguilla Police Force;

"probation officer" means an officer appointed pursuant to the Probation Act;

"Registrar" means the Registrar of the High Court or Court Clerk in the Magistrate's Court;

"respondent" means a person who is or has been in a domestic relationship with the applicant and against whom the applicant has applied for an order under this Act;

"sexual abuse" means any sexual conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of the applicant and includes female genital mutilation;

"shared household" means a household where the applicant and the respondent live or have lived together in a domestic relationship;

"spouse" includes a former spouse, a cohabitant or a former cohabitant;

"stalking" includes repeatedly following, pursuing or accosting the applicant;

"victim" means any person who alleges to have been subjected to an act of domestic violence;

"visiting relationship" means a non-cohabitational relationship which is otherwise similar to the relationship between a husband and wife.

Duty to provide information about victim's rights

2. (1) A police officer, at the scene of an incident of domestic violence, or when the incident of domestic violence is reported, shall—

(a) inform the victim of that victim's rights, or inform the person making the report on behalf of the victim of the victim's rights, in the manner stated in Schedule 1; and

(b) provide the victim with a printed copy of the information relating to the rights of the victim as contained in Schedule 1.

(2) A police officer shall, upon a report of the breach of an order issued pursuant to this Act, inform the victim, or person making the report on behalf of the victim, of the right to lodge a complaint against the respondent if a criminal offence appears to have been committed against that victim, the person making the report on behalf of the victim, or a child.

(3) When a report of an incident of domestic violence is brought to the attention of the Commissioner, the Commissioner shall inform the victim or person making the report on behalf of the victim of the relief available pursuant to this Act.

(4) A Judicial Officer to whom an application for a protection order is made shall inform the victim or person making the report on behalf of the victim of the relief available pursuant to this Act.

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PART 2

PROTECTION ORDERS

Person entitled to apply for a protection order

3. (1) A person referred to in subsection (2) or (3) may apply to the Court for a protection order in Form 1 of Schedule 2.

(2) An application for a protection order referred to in subsection (1), may be made by—

(a) the spouse of the respondent;

(b) a member of a shared household, either on that member's own behalf or on behalf of any other member of the shared household;

(c) a child;

(d) a dependant;

(e) a parent or sibling by consanguinity or affinity of either the spouse or respondent not being a member of the shared household;

(f) a person who has a child in common with the respondent;

(g) a person who is or has been in a visiting relationship; and

(h) a cohabitant.

(3) Subject to subsection (4), an application made pursuant to subsection (1) may be brought on behalf of the applicant by any other person who has a material interest in the well-being of the applicant, including a police officer, the Commissioner, a probation officer or an approved social worker.

(4) The application shall be brought with the consent of the applicant, but such consent may be dispensed with in circumstances where the applicant is—

(a) a child;

(b) a dependant;

(c) physically or mentally incapacitated by unsoundness of mind or a disability;

(d) unconscious;

(e) under the influence of intoxicating liquor or is misusing drugs; or

(f) a person whom the Court is satisfied is unable to provide the required consent.

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(5) Pursuant to subsection (4)(a) or (b), a child or dependant may apply for a protection order through—

(a) a person with whom the child or dependant ordinarily or periodically resides or resided with or is reliant upon for that child's or dependant's welfare or any adult member of that child's or dependant's household;

(b) a parent or guardian or a person who is in *loco parentis* to the child or dependant;

(c) the Commissioner; or

(d) a person who has parental responsibility for the child.

(6) The application referred to in subsection (1) may be brought outside the ordinary hours of the Court or on a day which is not an ordinary day for the sitting of the Court.

(7) An application for an order under this Act shall be supported by evidence on affidavit, unless the Court otherwise orders, and an affidavit shall include—

(a) the facts on which the application is based;

(b) the nature of the order applied for; and

(c) the name of the police station at which the applicant is likely to report any breach of the order.

(8) An application made under this Act may be accompanied by a supporting affidavit of any person who has knowledge of the matter concerned.

(9) The applicant may request that the applicant's physical address be omitted from the protection order.

(10) The application and affidavits shall be lodged with the Registrar who shall immediately submit the application and the affidavits for consideration of the Court.

(11) In considering an application made pursuant to subsection (1), the Court—

(a) may require further oral evidence or evidence by affidavit; and

(b) shall record any oral evidence tendered pursuant to paragraph (a).

Power of Court to issue interim protection order

4. (1) The Court shall, where the Court is satisfied that the respondent is committing, or has committed, or is likely to engage in, conduct that would constitute an act of domestic violence, issue an interim protection order against the respondent in Form 2 of Schedule 2.

(2) The Court may issue an interim protection order, pending the hearing and determination of the proceedings for a final protection order, if it appears necessary or appropriate to do so in order to ensure the safety and protection of the applicant.

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(3) The Court shall not, in exercising its powers in this section, refuse to issue an interim protection order by reason of the fact that the respondent has not been given notice of the proceedings.

(4) An interim protection order issued under this section shall be served on the respondent and shall call upon the respondent to show cause on the return date specified in the interim protection order as to why the interim protection order should not be confirmed.

(5) The return date referred to in subsection (4) must not be more than 10 days after the date of the order.

(6) An interim protection order may be made for such period of time as the Court considers necessary but shall not exceed 28 days.

(7) An interim protection order shall have no effect until it has been served on the respondent in the manner provided for in section 8(1).

Terms of final Protection Order

5. (1) A protection order issued by the Court pursuant to this Act may prohibit the respondent from—

(a) committing any act of domestic violence;

(b) enlisting the help of any person to commit any act of domestic violence;

(c) entering the shared household, except that the Court shall only impose this prohibition only if it appears to be in the interests of the applicant, a child or a dependant;

(d) entering a specified part of the shared household;

(e) entering the residence of the applicant;

(f) entering the place of employment or education of the applicant;

(g) preventing the applicant, a child or a dependant who ordinarily resides or has resided in the shared household from entering or remaining in the shared household or a specified part of the shared household;

(h) taking possession of, damaging, converting, destroying 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;

(i) ill-treating or threatening to ill-treat any person who has a close relationship with the applicant, even though that relationship may not be a domestic relationship;

(j) transmitting telephone text messages or electronic mail to the applicant, or any member of the public, the purpose of which is to embarrass, degrade or humiliate the applicant;

(k) approaching the applicant within a specified distance; or

(l) committing any other act as specified in the order.

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(2) In addition to the prohibitions referred to in subsection (1), the Court may direct—

(a) that any or all of the conditions of an order be applied for the benefit of a child or a dependant;

(b) that the respondent or the applicant, or both, receive professional counselling or therapy from any person, agency or group or from a programme which is approved by the Commissioner in writing; or

(c) that the respondent—

(i) return to the applicant, specified property that is in the respondent's possession or under the respondent's control,

(ii) pay monetary relief to the applicant,

(iii) pay interim monetary relief to the applicant for the benefit of a child or a dependant, where there is no existing order relating to maintenance, until such time as an obligation for support is determined pursuant to any other law,

(iv) immediately vacate any shared household for a specified period, whether or not the shared household is owned or leased by the respondent or the applicant, or solely owned or leased by the respondent or the applicant,

(v) make or continue to make payments in respect of rent or mortgage payment for premises occupied by the applicant having regard to the financial needs and resources of the applicant or dependant,

(vi) receive rehabilitation treatment for dependence on intoxicating liquor or drugs, or

(vii) abide by any other order which the Court considers meets the justice of the case.

(3) The Court may impose any additional conditions which it considers reasonably necessary to ensure and protect the safety of the applicant, a child or dependant, including but not limited to an order that a police officer shall accompany the applicant to a specified place to supervise the collection of personal property.

(4) The Court may direct that any or all of the prohibitions or conditions contained in an order apply for the benefit of a child or dependant.

(5) The Court may—

(a) refuse the respondent contact with a child if it is shown that such contact is not in the best interests of that child; or

(b) order structured contact with that child.

(6) The Court shall not refuse to issue an order under this Act on the basis that—

(a) a single act has been committed or a single threat has been made by the respondent; or

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(b) the acts or threats when viewed in isolation, appear to be minor or trivial.

(7) Where under subsection (2)(b) the Court makes an order which includes counselling or therapy, the order shall specify—

(a) that the Court receive written notification from the counsellor or therapist of sessions missed by the applicant, the respondent or both, as the case may be, 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.

(8) Where the Court makes an order which includes a direction that the respondent—

(a) vacate any shared household; or

(b) return to the applicant specified property that is in the respondent's possession or control;

the Court may, in the same order, if it considers it necessary, direct a police officer to remove the respondent from the shared household, or to accompany the applicant, as the case may be, either immediately or within a specified time, to specified premises, in order to supervise the removal of property belonging to the applicant and to ensure the protection of the applicant.

(9) A final protection order may be for such period as the Court considers necessary but shall not exceed 3 years.

(10) Where an order contains any prohibitions or directions, the Court shall specify different periods, none of which shall exceed 3 years, as the period for which each prohibition or direction shall remain in force.

Matters to be considered by Court

6. In determining whether or not to impose one or more of the prohibitions or to issue a direction specified in section 5, the Court shall have regard to the following—

(a) the nature, history, or pattern of the domestic violence that has occurred and whether a previous Interim Protection Order or a final Protection Order has been issued;

(b) the nature, history, or pattern of any criminal conduct (including police reports and criminal convictions) committed by the respondent;

(c) the need to protect the applicant and any other person for whose benefit the order has been granted from further domestic violence;

(d) the welfare of a child;

(e) the accommodation needs of the applicant, the respondent and any other person;

(f) the hardship that may be caused to the applicant or the respondent as a result of making the order;

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(g) the income, assets and financial obligations of the respondent, the applicant and any other person affected by the order;

(h) the state of mind or mental condition of the respondent;

(i) the respondent's use of or dependence on intoxicating liquor or drugs;

(j) the need to preserve and protect the institution of marriage and other relationships whilst affording protection and assistance to the family as a unit; and

(k) any other matter that in the circumstances of the case the Court considers relevant.

Seizure of firearm or dangerous weapon

7. (1) The Court may make an order directing a police officer to seize any firearm or dangerous weapon in the possession of the respondent if the affidavit made pursuant to section 3(1) contains information to the effect that—

(a) the respondent has threatened or expressed the intention to kill or injure any person in a domestic relationship, including the respondent, whether or not by means of the firearm or dangerous weapon; or

(b) possession of the firearm or dangerous weapon is not in the best interests of the respondent or any other person as a result of the respondent's—

(i) state of mind or mental condition,

(ii) inclination to violence, whether a firearm or a dangerous weapon was used in the violence or not, or

(iii) use of or dependence on intoxicating liquor or drugs.

(2) The Court shall, where the Court has ordered the seizure of any firearm pursuant to this Act, direct the Registrar to refer a copy of the affidavit made pursuant to section 3(1) to the Commissioner of Police for consideration in relation to the Firearms Act.

Service of notice of proceedings

8. (1) Upon an application for an interim protection order pursuant to section 3(1) and the granting of an interim protection order by the Court pursuant to section 4, a copy of the application and the interim protection order, together with the notice of the date on which, and the time at which the respondent is to appear before the Court to show cause as to why the interim protection order shall not be confirmed, shall be served on the respondent.

(2) The notice of the proceedings referred to in subsection (1) shall be issued in Form 3 of Schedule 2.

(3) Where an application is filed in respect of a child or dependant, a copy of the application, together with notice of the date on which, and the time and place at which, the application is to be heard, shall, as soon as practicable, be served on the parent or guardian of the child or dependant or any other person with whom the child or dependant ordinarily resides or resides with on a regular basis.

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(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 shall compel the respondent to appear in Court to answer to the application.

(5) A notice of proceedings issued under this Act may be served on the respondent or the respondent's agent, and the Court shall receive proof of service by affidavit in Form 4 of Schedule 2.

(6) Where the hearing of an application is adjourned because the application and notice of the 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.

Service other than personal service

9. (1) Where the Court has not served a notice of proceedings pursuant to section 8 or the interim protection order on the respondent personally, it may make an order for substituted service of such notice or order, as the case may be.

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

(a) by registered post to the last known address of the respondent;

(b) by leaving the document at the last known address of the respondent or the respondent's closest relative;

(c) at the workplace of the respondent;

(d) by advertisement in a newspaper of general circulation—

(i) which service is deemed to have been effected at midnight on the date of the advertisement,

(ii) the cost which service is to be borne by the applicant; or

(e) provided in such other manner as the Court may direct.

Filing of affidavits

10. (1) The respondent shall, before the return date, file with the Registrar supporting affidavits showing cause as to why the interim protection order must not be confirmed.

(2) A copy of the affidavits of the respondent shall immediately be served on the applicant.

(3) The applicant, upon receipt of the affidavits may, before the return date, file a replying affidavit together with any supporting affidavits with the Registrar, in which shall be stated the reasons why the interim protection order must be confirmed.

(4) A copy of the replying affidavit of the applicant shall immediately be served on the respondent.

(5) On the return date, the Registrar shall submit to the Court—

(a) the application for the final protection order;

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(b) the interim protection order granted;

(c) any supporting affidavits made by the respondent; and

(d) any replying affidavits made by the applicant.

Power to issue final protection order

11. (1) Where notice of the proceedings has been served on the respondent in accordance with section 8 or 9 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 and issue a final protection order in Form 5 of Schedule 2; or

(b) if satisfied that it is appropriate to do so, having regard to the materials before it, adjourn the matter and issue a warrant for the respondent to be apprehended and brought before the Court.

(2) If the applicant or the person on whose behalf the application is made does not appear in person or is not represented by an attorney-at-law at the time fixed for the hearing, and the respondent appears in Court, the Court may—

(a) dismiss the application;

(b) if it has received a reasonable excuse for the non-appearance of the applicant or the other person, adjourn the hearing on such terms as the Court considers just; or

(c) if satisfied that it is appropriate to do so, having regard to the submissions before it, direct that evidence be given by affidavit;

but the Court shall, on the application of any other party, order the attendance for cross examination of the person making such affidavit.

(3) Where the respondent appears at the time fixed for the hearing in order to show cause as to why the interim protection order should not be issued or confirmed, and the applicant or the person on whose behalf the application is made also appears, the Court shall proceed—

(a) to hear the matter and consider any evidence previously received pursuant to section 4; and

(b) to consider such further affidavits or oral evidence as it may direct, which shall form part of the record of the proceedings.

(4) The Court may, at the hearing of the matter—

(a) decide the matter on the papers in the absence of either or both of the parties; or

(b) refer the matter for oral evidence.

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(5) The Court, at the conclusion of the hearing—

(a) may confirm, amend, or set aside the interim protection order; or

(b) shall issue a final protection order in Form 5 of Schedule 2.

(6) The Registrar shall immediately notify the parties of the decision of the Court and shall, where a final protection order has been granted—

(a) serve the original final protection order on the respondent; and

(b) serve a certified copy of the final protection order on the applicant.

(7) A final protection order shall be for such period not exceeding 3 years as the Court considers necessary.

(8) Where a final protection order contains any prohibitions or directions, the Court may specify different periods, none of which shall exceed 3 years, as the period for which each prohibition or direction shall remain in force.

Explanation of orders

12. Where the Court proposes to make an interim protection order or a final protection 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 revoked.

Respondent to have notice of final protection order

13. A respondent is not bound by a final protection order issued pursuant to section 11—

(a) if he was not present at the time of the making of the order; or

(b) if the order was not served on him personally or in accordance with section 9.

Variation or revocation of orders

14. (1) Where an order is in force, a party to the proceedings in respect of whom the order was made may make an application to the Court in Form 6 of Schedule 2, for an order to vary or revoke the order.

(2) On an application made pursuant to subsection (1), the Court may by order, vary or revoke the order.

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

(4) In determining whether to vary or revoke an order the Court shall have regard to the matters specified in section 6.

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Service of protection order

15. Where an interim protection order or a final protection order is varied by the Court pursuant to section 14—

(a) the Registrar shall arrange for the order to be drawn up in Form 7 of Schedule 2 and filed with the Court; and

(b) the Court shall serve a copy of the order on—

(i) the respondent,

(ii) the applicant,

(iii) any other person to whom the order is to apply, whether or not the person is a party to the proceedings, and

(iv) the police officer in charge of the police station located nearest to the area where the respondent or the applicant resides.

Criminal process for breach of protection order

16. (1) A person against whom an order has been made or to whom a direction has been issued by the Court commits an offence if that person—

(a) has notice of the order or direction; and

(b) contravenes the order or direction.

(2) A person who is found guilty of an offence under subsection (1) is liable—

(a) on summary conviction to a fine of $5,000 or to a term of imprisonment of one year or to both;

(b) on a second summary conviction, to a fine of $5,000 or to a term of imprisonment of 2 years or to both;

(c) on any subsequent summary conviction, to a fine of $10,000 and to a period of imprisonment of 5 years.

(3) The respondent commits an offence if—

(a) an order contains a direction under section 5(2)(b) that the respondent seek professional counselling, therapy or rehabilitation treatment;

(b) it is brought to the attention of the Court that the respondent has refused or neglected to comply with such a direction; and

(c) the Court finds that such refusal or neglect was unreasonable;

and if found guilty he is liable on summary conviction to a fine of $10,000.

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PART 3

POLICE POWERS OF ENTRY AND ARREST

Duties of police officers

17. (1) A police officer shall respond to every complaint or report alleging domestic violence, whether or not the person making the complaint or the report is the victim.

(2) A police officer responding to a domestic violence complaint shall complete a domestic violence report, which shall form part of the Domestic Violence Register.

(3) The Commissioner of Police shall maintain a Domestic Violence Register in the prescribed manner.

(4) A domestic violence report shall be in Form 8 of Schedule 2 and shall include but not be limited to—

(a) the name of the parties;

(b) the relationship and gender of the parties;

(c) information relating to the history of domestic violence between the parties;

(d) the date and time the complaint was received; and

(e) the type of the abuse and the weapon, if any, used.

Issue of warrant

18. Where a Judicial Officer is satisfied, by information on oath, that—

(a) there are reasonable grounds to suspect that a person on a 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 who has suffered or is in imminent danger of physical injury;

the Judicial Officer may issue a warrant in writing authorising a police officer to enter the premises specified in the warrant at any time within 24 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 an offence or a breach of the peace or to protect life or property.

Police powers of arrest without warrant

19. (1) A police officer may act in accordance with the Criminal Code where he has reasonable cause to believe that a person is engaging in or attempting to engage in conduct which amounts to physical violence and failure to act immediately may result in serious physical injury or death.

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(2) This section does not authorise the entry onto premises by a police officer, for the purpose of any search or the arrest of any person, otherwise than in connection with the conduct referred to in subsection (1).

(3) Where a police officer exercises a power of entry pursuant to subsection (1), that police officer shall immediately submit a written report to the Commissioner of Police, through the head of the division where the incident occurred, and the report shall contain—

(a) the reasons for entering the premises without a warrant;

(b) the offence being committed or about to be committed; and

(c) the manner in which the investigation was conducted and the measures taken to ensure the protection and safety of the person at risk.

(4) The report referred to in subsection (3) shall be submitted to the Attorney General by the Commissioner of Police within 7 days of its receipt by the Commissioner of Police.

(5) Where a complaint is made against a police officer by a person resident in a premises alleging that the entry of the police officer onto the premises pursuant to subsection (1) was unwarranted, the Commissioner of Police shall authorise an investigation into the complaint and shall submit a copy of its findings to the Attorney General within 14 days of the complaint having been made.

(6) Disciplinary action may be taken against a police officer where the report under subsection (3) or the findings under subsection (5) allege that the entry made pursuant to subsection (1) was unwarranted.

Duty of police officer to assist victims

20. Where a police officer has entered on to premises pursuant to section 5, 19 or 21 the police officer shall—

(a) assist a person who has suffered injury;

(b) ensure the welfare and safety of a child or dependant who may be on the premises; and

(c) prevent any further breach of the law.

Breach of interim protection order and final protection order

21. (1) An applicant who claims that the respondent has breached an interim protection order or a final protection order shall fill out and file with the Court Form 9 of Schedule 2.

(2) Where an application has been filed pursuant to subsection (1) the Court may—

(a) issue a warrant for the arrest of the respondent, in Form 10 of Schedule 2; or

(b) suspend the execution of such a warrant, subject to compliance with any prohibition, condition, obligation or order imposed pursuant to section 5.

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(3) The warrant referred to in subsection (2)(a) shall remain in force until the interim protection order or the final protection order is set aside.

(4) A police officer shall, where the Court issues a warrant of arrest, execute that warrant of arrest.

(5) A respondent arrested pursuant to subsection (3) shall—

(a) be brought before the Court as soon as reasonably possible, but not later than—

(i) 48 hours after arrest, or

(ii) the end of the first Court date after the expiry of the 48 hours and, if the 48 hours expire outside the ordinary court hours, then on a day which is not an ordinary court day; and

(b) not be released, unless—

(i) a Court orders the release, and

(ii) the respondent, having been given a reasonable opportunity to do so, adduces evidence which satisfies the Court that in the interests of justice the respondent should be permitted release from detention in custody.

Arrest without a warrant where an interim or final protection order is in force

22. Where a final protection order is in force and a police officer believes on reasonable grounds that the respondent has committed or is committing a breach of that order, he may arrest and detain the respondent without a warrant.

Existing criminal law to apply

23. Where a person is arrested pursuant to section 18 or 19, that person shall be charged in accordance with the relevant provisions of the criminal law for committing or attempting to commit a criminal offence and shall be dealt with accordingly.

Bond of good behaviour

24. (1) Where, at a hearing for the granting of a final protection order, 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 the order or the penalty, as the case may be;

the Court may, with the consent of the applicant, withhold the granting of a final protection order and require the respondent to enter into a bond of good behaviour for a period not exceeding one year.

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(2) Where a bond of good behaviour has been entered into the Court shall prescribe the following additional conditions—

(a) that the respondent receive professional counselling;

(b) that the respondent report to a probation officer at certain fixed intervals; and

(c) that the matter be reviewed by the Court at intervals not exceeding 4 months.

(3) A bond of good behaviour shall be forfeited if the Court is satisfied that—

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

(b) based on a report from a probation officer, the Commissioner, an approved social worker or a police officer, domestic violence is likely to be perpetrated against the applicant; or

(c) the applicant has become fearful of the respondent to the extent that the applicant is no longer willing to continue the domestic relationship.

(4) A bond of good behaviour is an order of the Court, the breach of which, entitles the Judicial Officer, if the Judicial Officer so desires, to pursue contempt of Court proceedings under section 25.

PART 4

MISCELLANEOUS

Contempt of Court

25. (1) Notwithstanding any other law, the Court has jurisdiction under this section to find a person guilty of contempt of court if that person—

(a) breaches any term of a consent order or bond of good behaviour;

(b) having been summoned by the Court, refuses or neglects without sufficient cause to attend;

(c) being examined as a witness or being present in Court and required to give evidence, the person refuses to be sworn or to answer any lawful question or, without sufficient excuse, to produce any documents or things that the person has been or is required to produce;

(d) immediately prior to, during or within a reasonable time after Court proceedings wilfully insults the Judicial Officer, any witness, or any other officer of the Court; or

(e) wilfully interrupts the proceedings of the Court or otherwise misbehaves in Court.

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(2) Where the Judicial Officer finds that a contempt of court has occurred, the Judicial Officer may—

(a) order a police officer to arrest the offender and specify the time, not exceeding 3 days, by which the offender shall be brought before the Court;

(b) issue a warrant for the arrest of the offender and specify the time, not exceeding 3 days, by which the offender shall be brought to Court; or

(c) where the issue of contempt occurs in the precincts of the Court, proceed to deal with the matter immediately.

(3) When a person is before the Court for the offence of contempt of court, the Court shall cause the person to be informed of the contempt with which the person is charged and provide that person with an opportunity to be heard.

(4) Where the Judicial Officer finds that a person is guilty of contempt of court, the Judicial Officer may order that the person be sentenced to a fine of $2,000 or to a term of imprisonment of 6 months or to both.

(5) If a person found guilty of contempt of court is ordered to be imprisoned and that person makes an apology to the Court and the Court accepts that apology, then the Court may—

(a) order the discharge of the person before the end of the term; or

(b) reduce the term of imprisonment as the Court sees fit.

(6) To avoid doubt, a finding of guilty of contempt of court does not suspend, terminate or in any other way interfere with an interim protection order, final protection order, consent order made pursuant to section 30 or any other order made by the Court.

Conduct of proceedings

26. (1) The following persons may be present during the hearing of any proceedings under this Act—

(a) an officer of the Court;

(b) parties to the proceedings and their attorneys-at-law;

(c) witnesses giving evidence; and

(d) any other person permitted by the Judicial Officer to be present.

(2) A witness shall leave the courtroom if asked to do so by the Judicial Officer.

(3) This section does not limit any other power of the Court to hear proceedings in camera or to exclude any person from the Court.

(4) Where an application is made on behalf of a child, the parent or guardian of that child or the person with whom the child ordinarily resides on a regular basis shall be entitled to be a party to the proceedings.

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(5) The Court shall allow a child, including a child on whose behalf an application for an order is being made, to be heard in any proceedings pursuant to this Act and the Court shall take account of the views of the child, having regard to the age and maturity of the child and the ability of the child to express such views.

Evidence

27. The Court may, in any proceedings pursuant to this Act, other than criminal proceedings, receive such evidence as it thinks fit, whether or not it is otherwise admissible in a court of law.

Standard of proof

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

Restriction of publication of reports

29. (1) Subject to subsection (3), a report of proceedings may be published if it—

(a) does not identify or lead to the identification of the parties to the proceedings;

(b) is of a *bona fid*e professional or technical nature; and

(c) is intended for circulation among members of the legal or medical profession, officers of the public service, police officers, psychologists, counsellors or social workers.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $10,000 or to a term of imprisonment of one year or to both.

(3) This section does not apply to—

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

(b) the power of the Court to punish any contempt of court;

(c) the publication of a report that is of a *bona fide* professional or technical nature; or

(d) the publication of a report that is intended for circulation among members of the legal or medical profession, officers of the public service, police officers, psychologists, counsellors or social workers.

Orders by consent

30. (1) In any proceedings in this Act, the Court may make a consent order with the consent of all the parties to the proceedings.

(2) The Judicial Officer may pursue contempt of court proceedings if a party breaches an order made under subsection (1).

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Appeals

31. (1) A person aggrieved by—

(a) an order of the Court; or

(b) the refusal of the Court to make an order;

may, within 28 days after the decision of the Court, appeal to the Court of Appeal.

(2) Except where the Court that made an order pursuant to this Act otherwise directs, the operation of such an order shall not be suspended by virtue of an appeal made in this section, and every order may be enforced in the same manner and in all respects as if an appeal under this section is not pending.

Protection of mortgage

32. (1) The rights conferred on a person in respect of a property by an order made pursuant to this Act are subject to the rights of any other person entitled to the benefit of a mortgage, security, charge or encumbrance affecting that property if—

(a) the mortgage, security, charge or encumbrance was registered before the order was registered; or

(b) the rights of the other person entitled to that benefit arises under an instrument executed before the date of the making of the order.

(2) Money payable under any mortgage, security, charge or encumbrance shall not be called up or become due by reason of the making of an order pursuant to this Act.

Rules of the Court

33. The Chief Justice may make Rules of the Court—

(a) to regulate the practice and procedure of the Court with respect to proceedings under this Act; and

(b) to provide for such matters as are necessary for giving full effect to this Act and for its due administration.

Property rights

34. This Act shall not be construed as altering the rights of a spouse in respect of ownership of any real, personal, movable or immovable property.

Mandatory reporting where it is suspected that a minor is subject to domestic violence

35. (1) In this section "person" means—

(a) a dentist, medical practitioner, nurse, health care provider, psychologist, social worker, child care provider, teacher, educator or an employee of an institution responsible for the care and protection of children who examines, attends to or deals with a child; or

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(b) an employee or volunteer of a community group or any organisation that deals with or comes into contact with children.

(2) Where a person, in the course of carrying out their professional or voluntary duties, reasonably suspects that a child is subject to or has been subjected to any act of domestic violence, that person shall immediately notify an approved social worker or a police officer of the case.

(3) Any person who, without reasonable excuse, fails to comply with subsection (2) commits an offence and is liable on conviction to a fine of $5,000 or to a term of imprisonment for one year or to both.

(4) A person who reports that domestic violence has occurred pursuant to subsection (2) is not liable in respect of any report made in good faith.

Bail

36. (1) Where the Court is required to determine whether to grant bail in respect of an offence committed under this Act, the Court shall consider—

(a) the need to protect the applicant from domestic violence;

(b) the welfare of a child or dependant where the respondent or the applicant has custody of that child or dependant;

(c) the welfare of any child or dependant who is 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) The Court, in granting bail, may order that the recognisance be subject to any one or more of the following conditions, as the Court considers appropriate—

(a) that the respondent not harass or molest or cause another person to harass or molest the applicant;

(b) that the respondent not be present on the premises in which the applicant works or resides;

(c) that the respondent not be in a locality where the applicant works or resides.

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

Offences

37. A person who contravenes any prohibition, condition or obligation or order imposed under this Act and for which a penalty is not stipulated commits an offence and is liable on summary conviction to a fine of $10,000 or to a term of imprisonment of 5 years or to both.

Regulations

38. The Minister may make Regulations to give effect to this Act or for its better administration.

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Citation

39. This Act may be cited as the Domestic Violence Act, Revised Statutes of Anguilla, Chapter D42.

SCHEDULE 1

(Section 3)

INFORMATION TO VICTIM OR APPLICANT REGARDING THE RIGHTS OF THE VICTIM

1. You have the right to request the assistance of a police officer in order to protect yourself and your children, and the police officer is obliged to provide you with information on how to obtain a protection order.

2. You may also request police assistance in locating and taking you and your children to a place of safety, including a shelter, the home of a family member or friend, or any other place of safety.

3. If you or your children are in need of medical treatment, you have the right to request a police officer to assist you in obtaining such medical treatment.

4. A protection order can be obtained from the Court at any time of the day or night and will be served on your abuser free of charge.

5. You may request that your address not be disclosed to your abuser.

6. The abuser can be ordered to—

   (a) pay monetary relief; and

   (b) refrain from contacting you or your children.

7. You may also request the Court to make such orders as it considers appropriate to prohibit the abuser from preventing you to enter the shared household. This order is of a temporary nature, and if you wish it to be confirmed, you will be required to appear in Court at a later date.

8. If you and your children require any counselling or support, you should contact someone who can offer services to you and your children.

9. You also have the right to lodge a criminal complaint against the abuser if a criminal offence has been committed against yourself and your children. You may do this now, or at any time in the future.

10. Should you obtain a Protection Order, or lodge a criminal complaint, in which false facts are knowingly alleged, you may be convicted of an offence.

If you do not understand any of the above information, you may request more detail from myself or another member of the Anguilla Police Force with whom you may be more comfortable.

Dated this day of 20[ ]

_____ _____

Name of Police Officer **Signature of Police Officer**

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SCHEDULE 2

FORM 1

Anguilla

DOMESTIC VIOLENCE ACT

(Section 3(1))

APPLICATION FOR PROTECTION ORDER

1. (a) **APPLICANT'S DETAILS:**

i. Name: ……**…**……..……

ii. Date of birth: ……

iii. Address:.……

iv. Occupation: ……..

v. Contact information:

Tel. no.: cell-phone…..……; home…..…….; work……

email…..…….……..../…….……..

vi. Nature of domestic relationship with the respondent:

- marriage; □
- cohabitants or were cohabitants; □
- parents or parental responsibility for the child; □
- family members; □
- engaged, dating or visiting relationship; □
- they share or shared the same household or residence; □
- other _____

(b) **If you are applying on behalf of beneficiary of a protection order fill in this part:**

i. Name: ……

ii. Address:.……

iii. Contact information:

Tel. no.: cell-phone…..……..; home…..……; work……

e-mail……/……..…

(c) Nature of relationship to beneficiary of protection order:

i. Commissioner or social worker; □

ii. police officer □

iii. parent / parental responsibility □

iv. probation officer □

v. Other _____

(d) I _____confirm that I have the consent of the applicant to apply for this order on their behalf.

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2. RESPONDENT'S DETAILS

i. Name: ……...

ii. Date of birth: ……

iii. Address: ……..

iv. Contact details:

Tel. no.: cellphone …..…..……...; home …….……; work …..……...…

e-mail ……..... / …….……

3. The following CHILDREN (if any) have been born from the domestic relationship:

……

……

……

……

4. **Since the respondent** at or near……..., and

on or about the day of ……..…….. 20[ ] committed the following act(s):

……

……

……

……

See **Annex for the affidavit, together with any supporting affidavit(s)**

5. **I request that the respondent be ordered**—

(a) not to commit any act of domestic violence;

(b) not to enlist the help of another person to commit any act of domestic violence;

(c) not to enter the shared household;

(d) not to enter the applicant's residence;

(e) not to enter the applicant's place of study or employment;

(f) not to prevent the applicant or any child or dependant who normally resides or resides in the shared household from entering or remaining in the shared household or part thereof;

(g) not to transmit telephone text messages or electronic mail to the applicant or the public when such telephone text messages or electronic mail is designed to embarrass, degrade or humiliate the applicant; or

(h) not to commit any other act *as requested and/ or specified in the affidavit(s).*

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6. **I further request the Court to order that:**

(a) A member of the Anguilla Police Force is to accompany the applicant to the residence specified in the application to supervise the collection of the Applicant's personal property;
(b) A member of the Anguilla Police Force is to seize the firearm or dangerous weapon as specified in the affidavit;
(c) The respondent is to pay the rent or mortgage payments specified in the affidavit;
(d) The respondent is to pay monetary relief as specified in the affidavit;
(e) The respondent is to pay the educational expenses as specified in the affidavit;
(f) The respondent is refused any contact with the child or children as specified in the affidavit;
(g) The respondent is granted structured contact with the child or children as specified in the affidavit; or
(h) The address of the applicant's residence shall not be disclosed to the respondent.

7. I am likely to report a breach of the Protection Order at the …….... Station of the Anguilla Police Force.

8. Additional conditions requested as per affidavit:

……..…….

……..……

…….

……..……

…….

Dated this …..... day of ……....., 20..... .

_____

Signature of Applicant

The following affidavit evidence is annexed—

1. …….. (name of deponent)
2. …….. (name of deponent)
3. …….. (name of deponent)
4. …….. (name of deponent)
5 …….. (name of deponent)

_____

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FORM 2

Anguilla

DOMESTIC VIOLENCE ACT

(Section 4(1))

INTERIM PROTECTION ORDER

IN THE …… COURT

APPLICATION NO……

BETWEEN

……APPLICANT

AND

…….RESPONDENT

1. RESPONDENT'S DETAILS:

   a. Name: ……

   b. Address:..……

   c. Occupation: ……...

   d. Contact information:

      Tel. no.: cell-phone …..……..; home ….……; work ……

      e-mail ……..... / ……..……..……...…

2. Whereas the Applicant (or…….on behalf of the applicant), has applied for a protection order against the respondent, as per the affidavit(s) and record of oral evidence (if any) attached, and after consideration of the application;

3. **THE COURT ORDERS** that the application for a protection order be:

   3.1 **Dismissed;** or

   3.2 **Granted**: and the respondent is ordered:

   3.2.1 Not to commit the following act(s) of domestic violence:

   …….
   …….
   …….
   …….

   3.2.2 Not to enlist the assistance of any other person to commit an act of domestic violence specified in paragraph 3.2.1;

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3.2.3 Not to enter the shared household at…….
……..…..

3.2.4 Not to enter the following parts of the shared household……..…
……..……..
……..…..
at ……..……..……..……
……..…..

3.2.5 Not to enter the applicant's residence …….…….
……..…..

3.2.6 Not to enter the applicant's place of employment at……...…
…….……...…

3.2.7 Not to prevent the applicant or any child or dependant who normally resides or resides in the shared household at…….
……...
from entering or remaining in the shared household, or any part thereof;

3.2.8 Not to commit any other act, to wit…….…
…….….
…….….

3.2.9 To make rent or mortgage payments in the sum of ……...……per month;

3.2.10 To pay the sum of ……..…..to the applicant as educational expenses.

4. **IT IS FURTHER ORDERED** that:

(1) a member of the Anguilla Police Force accompanies the applicant to the following residence in order to supervise the collection of personal property;
i.e.…….……
…….....……....

(2) a member of the Anguilla Police Force at ……seizes the following firearm or dangerous weapon in the possession of the respondent i.e.
……...……...
…….....……....

(3) the applicant's address is not to be disclosed to the respondent;

(4) the respondent is refused any contact with the following children i.e.

……..……

(5) the respondent is allowed contact with the following children. i.e.

…….…

on the following basis:……....
……
…….

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(6) a warrant is authorised for the arrest of the respondent, the execution of which is suspended subject to the respondent's compliance with the provisions of the protection order as stated above; and

(7) a copy of this order and the warrant of arrest be forwarded to the police station at …….. once this interim protection order has been served on the respondent.

5. The respondent is furthermore hereby informed of the respondent's right to appear in the …… Court at ……. on the ……. day of ……..…20[ ] at ……. in order to show cause as to why the interim protection order should not be confirmed and made final.

…… ….....…….
Judicial Officer Date

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FORM 3

Anguilla

DOMESTIC VIOLENCE ACT

(Section 8(2))

NOTICE OF PROCEEDINGS

IN THE …… COURT

APPLICATION NO ……...

BETWEEN

……APPLICANT

AND

…….RESPONDENT

TO THE RESPONDENT

An application pursuant to section 3 of the Domestic Violence Act for a protection order has been made by ……
(name of applicant)

A copy of the application is attached. The application has been set down for hearing on the ……. day of ……, at …… a.m/p.m at ……..

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

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

…….……
Registrar of the Court

Dated this ……. day of ……

_____

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FORM 4

Anguilla

DOMESTIC VIOLENCE ACT

(Section 8(5))

AFFIDAVIT FOR USE IN PROVING SERVICE OF PROCESS

No……

Return of service of process in respect of domestic violence offence(s) for the [……] Court

Name of applicant……...

Name of respondent……

Document served…….

Date of service…….

Place of service……

Mode of service……

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

……..
(Deponent)

Sworn by me……..the above-named Deponent

This …… day of …… 20[ ]

…….
Registrar of the Court

_____

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FORM 5

Anguilla

DOMESTIC VIOLENCE ACT

(Sections 11(1)(a) and (5)(b))

FINAL PROTECTION ORDER

IN THE …… COURT

APPLICATION NO……

BETWEEN

……APPLICANT

AND

…….RESPONDENT

Whereas the applicant has applied for a final protection order; and

After considering the facts of the matter;

The Court orders that the interim protection order be:

1. Confirmed;

2. Amended as follows:……
……..
……..
……..
……..; or

3. Set aside.

Dated at ……. this …… day of …….……. 20[ ]

……. ..…..……
Judicial Officer Date

_____

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FORM 6

Anguilla

DOMESTIC VIOLENCE ACT

(Section 14(1))

APPLICATION FOR VARIATION OR REVOCATION OF INTERIM/FINAL PROTECTION ORDER

IN THE …… COURT

APPLICATION NO……..

BETWEEN

……APPLICANT

AND

…….RESPONDENT

I ……..… hereby apply for a variation/revocation of
(Name of Applicant)

the order made against…….on the ……. day
(Name of Respondent)

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 the order)

I ask for a revocation/variation of the order in the following terms:
SPECIFY DETAILS OF VARIATION/REVOCATION:
…….
…….
…….
…….
…….
…….

……
Applicant

Dated this ……. day of …….. 20[ ]

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FORM 7

Anguilla

DOMESTIC VIOLENCE ACT

(Section 14(1))

ORDER VARYING INTERIM/FINAL PROTECTION ORDER

IN THE …… COURT

APPLICATION NO……..….

The Court, having heard an application made pursuant to section 14 of the Act by …….. (*name of the applicant*) in respect of conduct or threatened conduct of …….. (*name of respondent*) and the Court having on the ….. day of ……..., 20[ ] made an order, a copy of which is herewith attached, prohibiting the respondent from engaging in the conduct specified therein.

NOW the Court on the application of…….……..……does this day Order that the [interim/final] protection order be:

1. REVOKED
(specify effective date of revocation)

2. VARIED AS FOLLOWS:
(specify details of variation)
…….
…….
……
……

Dated this …… day of …… 20……

……
Registrar of Court

_____

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FORM 8

Anguilla

DOMESTIC VIOLENCE ACT

(Section 17(4))

DOMESTIC VIOLENCE POLICE REPORT

Station…… Reference No…..……..

Complaint made by (surname, first name)…….……..

Address…….……..

Relationship of victim to alleged offender……..…...

Mode of report……

Date……Time……Diary Reference……..

Recorded by (Number/Rank/Name)……...

Name of (surname, first name)……

Address…….....

Telephone No…….Nature of domestic relationship to alleged offender……...

Sex……..…Age…….. Occupation…….

Address of employment.…….

Name of alleged offender:(surname, first name)…….....

Address…….....

Sex…….Age…….. Occupation…….

Telephone No……Nature of domestic relationship to alleged offender……

Address of employment…….…….

Name of Witness……....Name of Witness…..……

Address……Address……..…….

Relationship to alleged offender……..

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BRIEF FACTS AS REPORTED

……

……

……

……

……..

Extent of Inquiry……

Medical Report Form attached (*tick*) Yes No

Instrument used to inflict injury……

Whereabouts of children at time of incident…….
……..

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

Date……..Time……..Diary Reference…….

Investigator: (Number/Rank/Name)…….

Action taken…….….
……..….

Other previous complaints made

Date……Time…….…..Diary Reference……..……

Investigator: (Number/Rank/Name)…….……

Action taken……..……
…….....

Is protection order in existence? (*tick*) Yes No

Date of Issue……

Comments……
…….
…….

Duration of protection order……

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ACTION TAKEN WITH RESPECT TO PRESENT REPORT

Date ……

Time……

Action taken, by whom……...

Arrest made:

Date of arrest……Mode of arrest…….

Present status of report…….

CHARGES PREFERRED:

(1)…….
(2)…….
(3)…….
(4)…….

STATE REASONS IF NO CHARGES PREFERRED:

……
……
……
……

……. …….
Investigator Supervising officer

……. …….
Date (Date)

_____

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FORM 9

Anguilla

DOMESTIC VIOLENCE ACT

(Section 21(1))

BREACH OF INTERIM/FINAL PROTECTION ORDER

IN THE ……. COURT

APPLICATION NO…….

BETWEEN

……APPLICANT

AND

…….RESPONDENT

1. ……. (Full Names)

Residential Address:…….

(Tel. No.:)…….

Business Address:…….……

(Tel. No.:)…….

Occupation:……..

(Hereinafter referred to as the APPLICANT)

Hereby declare under oath/solemnly affirm that:

An Interim/Final Protection Order was granted on the _____ day of _____

20__ in the Court at……. Against …….. (Full Names)

Residential Address:……

(Tel. No.:)……

Business Address:……

(Tel. No.:)……

Occupation:…….

(Hereinafter referred to as the RESPONDENT)

2.*A copy of the Interim/Final Protection Order (indicating what orders were made), and the original Warrant of Arrest is attached.

3.*A copy of the Interim/Final Protection Order and/or the original Warrant of Arrest cannot be attached for the following reasons:

……

……

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In the said Interim/Final Protection Order the respondent was ordered:

(a)……

(b)……

(c)……

(d)……

(e)……

(f)……

(g)……

4. The respondent has breached the Interim/Final Protection Order (which has not been set aside), in that the respondent on the _____ day of ……. 20…..:

……

……

……

……

…….. ……..
Signature of Deponent Date

5. I certify that before administering the *oath/taking the affirmation I asked the Deponent the following questions and noted the deponent's answers in the deponent's presence as indicated below:

(a) Do you know and understand the contents of the above declaration?
Answer……..

(b) Do you have any objection to taking the prescribed oath?
Answer…….

(c) Do you consider the prescribed oath to be binding on your conscience?
Answer……

I certify that the Deponent has acknowledged that the deponent knows and understands the contents of this declaration which was *sworn to/affirmed before me, and that the Deponent's *signature/thumb print/mark was placed thereon in my presence.

Dated at this day of 20___

…….
Judicial Officer

*Delete whichever is not applicable

_____

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FORM 10

Anguilla

DOMESTIC VIOLENCE ACT

(Section 21)

WARRANT OF ARREST

IN THE ……..COURT
APPLICATION NO. ……

BETWEEN

……APPLICANT

AND

…….RESPONDENT

TO ALL POLICE OFFICERS:

Whereas* the attached Interim/Final Protection Order as attested to by the applicant in the attached affidavit, was granted against the respondent by the _____ Court on the _____day of _____ 20[ ]; and

Whereas* the applicant has stated in the affidavit attached that the respondent has breached (a) condition(s) of the Interim/Final Protection Order;

Therefore you are hereby authorised and ordered to immediately arrest the respondent in terms of the Domestic Violence Act, 20[ ].

Given under my hand this day of 20[ ]

…….. …….
Judicial Officer Date

*Delete whichever is not applicable

_____

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