

BERMUDA STATUTORY INSTRUMENT

BR 59/1997

**MAGISTRATES' COURT (DOMESTIC VIOLENCE PROTECTION
ORDERS PROCEEDINGS PRESCRIBED FORMS) RULES 1997**

*[made under section 21 of the Magistrates Act 1948 [title 8 item 15] and the
Domestic Violence (Protection Orders) Act 1997 [title 27 item 10] and
brought into operation on 3 October 1997]*

ARRANGEMENT OF RULES

- 1 Citation
- 2 Interpretation
- 3 Prescription of forms
- 4 Forms
- 5 Commencement

TABLE

SCHEDULE

Citation

- 1 These Rules may be cited as the Magistrates Court (Domestic Violence Protection Orders Proceedings Prescribed Forms) Rules 1997.

Interpretation

- 2 In these Rules—

"the Act" means the Domestic Violence (Protection Orders) Act 1997 [title 27 item 10];

"address for service" means an address within the jurisdiction where notices, orders, summonses, warrants and other

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documents, proceedings, and written communications, if not required to be served personally, may be left, or to which they may be sent;

"clerk to the Magistrates' Court" means the person whom the Senior Magistrate may designate as the clerk for the purposes of these Rules acting in accordance with the instructions of the Senior Magistrate;

"Court" means a court of summary jurisdiction;

"prescribed form" means a form prescribed in the Table.

Prescription of forms

3 The respective forms required by the Domestic Violence (Protection Orders) Act 1997 [*title 27 item 10*] are those respectively prescribed in the Table set out below.

Forms

4 The forms set out in the Schedule to these Rules pursuant to the Table set out below shall be used in connection with domestic violence protection orders proceedings in magistrates' courts.

Commencement

5 These Rules shall come into operation on 3 October 1997.

TABLE

(rule 3)

Form No.	Description
DVPO 1	Application for protection order (complainant)
DVPO 2	Application for protection order (person making an application on behalf of a complainant)
DVPO 3	Notice of Hearing and Summons
DVPO 4	Form of Protection Order or Temporary Order
DVPO 5	Application to vary or revoke a protection or temporary order
DVPO 6	Form of order revoking or varying a protection order or temporary order

SCHEDULE (rule 4)

Form DVPO 1

Case No. of

BERMUDA

IN MAGISTRATES' COURT

Section 6 and 16 of the Domestic Violence (Protection Orders) Act 1997

APPLICATION FOR *PROTECTION ORDER or *TEMPORARY ORDER

(where the person making the application is a complainant)

Between

A.B. Complainant

and

C.D. Respondent

1. I, _____, of (address for service) _____, being a person who *is or *has been in a domestic relationship with (name of person) _____, the respondent, of (address) _____ (specify relationship), hereby apply for a *protection order or *temporary order against the respondent.

*2. The grounds for making this application for a protection order are that the respondent—

- (a) *is using or *has used domestic violence against me (give details if known, and date(s) on which events occurred); and
- (b) the making of a protection order is necessary for my protection.

*3. The grounds for making this application for a temporary order are that—

- (a) notice in the prescribed form of the application for a protection order has not been given to the respondent and he has not therefore been given the opportunity to oppose, or otherwise make representations in relation to the making of the order; however
- (b) the respondent *is using or *has used domestic violence against me (give details if known, and date(s) on which events occurred); and
- (c) *undue hardship or *the risk of harm would be caused to me if an order were not made; and

* (c) a person who is unable to make the application by reason of physical incapacity;

* (d) a person who is unable to make the application by reason of fear;

* (e) a person who is unable to make the application (specify other cause).

*2. The grounds for making this application for a protection order are that—

(a) the respondent *is using or *has used domestic violence against the complainant (give details if known, and date(s) on which events occurred); and

(b) the making of a protection order is necessary for the protection of the complainant;

*3. The grounds for making this application for a temporary order are that—

(a) notice in the prescribed form of the application for an order has not been given to the respondent and he has not therefore been given the opportunity to oppose, or otherwise make representations in relation to the making of the order; however

(b) the respondent *is using or *has used domestic violence against the complainant (give details if known, and date(s) on which events occurred); and

(c) *undue hardship or *the risk of harm would be caused to the complainant if an order were not made; and

(d) the respondent's conduct complained of is serious; and

(e) the complainant is in fear of repetition of that conduct being directed to him; and

(f) the making of a temporary order is necessary for the complainant's protection.

4. The complainant would like the Court to order that the respondent—

(give particulars).

Representative

Dated this day of .

MAGISTRATES' COURT (DOMESTIC VIOLENCE PROTECTION ORDERS PROCEEDINGS PRESCRIBED FORMS) RULES 1997

Magistrate

*(delete where inapplicable)

Form DVPO 3

Case No. of

BERMUDA

IN THE MAGISTRATES' COURT

Sections 10 and 14(1) of the Domestic Violence (Protection Orders) Act
1997

NOTICE OF HEARING AND SUMMONS

Between
A.B. Complainant
and
C.D. Respondent

1. An application by way of complaint under section 6 of the Act for a protection order has been made by (name of person) _____, the complainant, of (address for service) _____, against you in respect of your conduct directed toward (name of person) _____.

2. A copy of the application is attached.

3. The application has been set down for hearing on (date) at (time) in the Magistrates' Court sitting at the Government Administration Building, corner of Reid and Parliament Streets, Hamilton **AND YOU ARE HEREBY SUMMONED TO APPEAR** at that date and time before the Magistrates' Court sitting in the Government Administration Building, to answer the following—

(give short particulars of the complaint).

4. 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.

Issued this _____ day of _____ .

Clerk to the Magistrates' Court

(Respondent's Copy)

This summons was served by me on the _____ day of _____
at _____ .

Bailiff

(Court copy)

The summons of which this is a true copy was served by me on the _____ day of _____ by delivering the summons to the said respondent personally.

Dated this _____ day of _____ .

Bailiff

Form DVPO 4

Case No. _____ of _____

BERMUDA

IN THE MAGISTRATES' COURT

Sections 11, 15 and 16 of the Domestic Violence (Protection Orders) Act 1997

*PROTECTION ORDER or *TEMPORARY ORDER

Between

A.B. _____ Complainant

and

C.D. _____ Respondent

The Court, having heard an application made by (name of complainant) _____, of (address for service) _____, under the Domestic Violence (Protection Orders) Act 1997 in respect of the conduct of (name of respondent) _____, of (address) _____

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_____, towards (name of person to be protected)
_____ ; and

being satisfied that the respondent—

- *(a) (i) *is using or *has used domestic violence against the complainant (give details if known, and date(s) on which events occurred); and
- (ii) that the making of the protection order is necessary for the protection of the complainant: or
- *(b) (i) *is using or *has used domestic violence against the complainant (give details if known, and date(s) on which events occurred); and
- (ii) *undue hardship or *the risk of harm would be caused to the complainant if an order were not made; and
- (iii) the respondent's conduct complained of is serious; and
- (iv) the complainant is in fear of repetition of that conduct being directed to him; and
- (v) the making of a temporary order is necessary for the complainant's protection:

Now the Court this day orders that, for (period) that the respondent—

(specify prohibitions and conditions and any other period or periods for which they are imposed and whether a power of arrest is attached to the Order).

Dated this day of .

Magistrate

Form DVPO 5

Case No. of

BERMUDA

IN THE MAGISTRATES' COURT

Section 22(1) of the Domestic Violence (Protection Orders) Act 1997

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

Between

A.B.

Complainant

and

C.D. Respondent

*1. I, _____, of (*address/*address for service)_____,
being a person who is—

* (a) the complainant on whose behalf a protection order has
been made;

* (b) the respondent in respect of whom a protection order
has been made;

* (c) a representative appointed under section 21 of the
Magistrates Act 1948, pursuant to whichever of sections
6 to 9 of the Act applies, to act on behalf of a person who
*is or *has been, in a domestic relationship with the
respondent,

hereby apply for the *revocation or *variation of the *protection order or
*temporary order made by the Court on (date of original order) for
(period) against (name of person) on the grounds that—

(specify grounds).

2. The Court is asked to order that the original order be *varied or
*revoked as follows—

(give particulars).

*Complainant/*Representative

Taken before me this day of 19 .

Clerk to the Magistrates' Court

*(delete where inapplicable)

Form DVPO 6

Case No. of

BERMUDA

IN THE MAGISTRATES' COURT

Section 22 of the Domestic Violence (Protection Orders) Act 1997

ORDER VARYING *PROTECTION ORDER OR *TEMPORARY ORDER

Between

A.B. Complainant

and

C.D. Respondent

