

BERMUDA STATUTORY INSTRUMENT

BR 60/1997

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

*[made under section 21 of the Magistrates Act 1948 [title 8 item 15] and the
Stalking Act 1997 [title 8 item 28] 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 (Stalking Protection Orders Proceedings Prescribed Forms) Rules 1997.

Interpretation

- 2 In these Rules—

"the Act" means the Stalking Act 1997 [*title 8 item 28*];

"address for service" means an address within the jurisdiction where notices, orders, summonses, warrants and other documents, proceedings and written communications, if not

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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 to act in accordance with the instructions of the Senior Magistrate;

"Court" means a court of summary jurisdiction;

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

Prescription of forms

3 The respective forms required by the Stalking Act 1997 [*title 8 item 28*] 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 stalking protection order proceedings in magistrates' courts.

Commencement

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

TABLE

(rule 3)

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

SCHEDULE (rule 4)

Form STALK 1

Case No. of

BERMUDA

IN THE MAGISTRATES' COURT

Sections 5 and 6 of the Stalking 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) _____, hereby apply for a *protection order or *temporary order against (name of person) _____, the respondent, of (address) _____, on the grounds that—

- * (a) (i) the respondent has stalked me;
- (ii) criminal proceedings for an offence of stalking under section 4 of the Stalking Act 1997 have been instituted against the respondent and have ended in the respondent's conviction; and
- (iii) the protection order is needed for my protection;
- * (b) (i) the respondent has stalked me;
- (ii) criminal proceedings for an offence of stalking under section 4 of the Stalking Act 1997 have been instituted against the respondent but have not been concluded; and
- (iii) the protection order is needed for my protection; or
- * (c) (i) the respondent will stalk me;
- (ii) the institution of criminal proceedings against the respondent for an offence of stalking under section 4 of the Stalking Act 1997 is imminent; and

- * (b) a person lacking mental capacity;
- * (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 are that—

- * (a) (i) the respondent has stalked the complainant;
- (ii) proceedings for an offence of stalking under section 4 of the Stalking Act 1997 have been instituted against the respondent and have ended in the respondent's conviction; and
- (iii) the protection order is needed for the complainant's protection;
- * (b) (i) the respondent has stalked the complainant;
- (ii) proceedings for an offence of stalking under section 4 of the Stalking Act 1997 have been instituted against the respondent but have not been concluded; and
- (iii) the protection order is needed for the complainant's protection; or
- * (c) (i) the respondent will stalk the complainant;
- (ii) the institution of proceedings against the respondent for an offence of stalking under section 4 of the Stalking Act 1997 is imminent; and
- (iii) the temporary order is needed for the complainant's protection.

3. These grounds exist because the respondent—

(give details if known, and date(s) on which events occurred).

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

(give particulars).

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The Court, having heard an application made by (name of complainant) _____, of (address for service) _____, under the Act in respect of the conduct of (name of respondent) _____, of (address) _____, towards (name of person to be protected) _____; and

being satisfied that—

- * (a) (i) the respondent has stalked the complainant;
- (ii) proceedings for an offence of stalking under section 4 of the Stalking Act 1997 have been instituted against the respondent and have ended in the respondent's conviction; and
- (iii) the protection order is needed for the complainant's protection;
- * (b) (i) the respondent has stalked the complainant;
- (ii) proceedings for an offence of stalking under section 4 of the Stalking Act 1997 have been instituted against the respondent but have not been concluded; and
- (iii) the protection order is needed for the complainant's protection; or
- * (c) (i) the respondent will stalk the complainant;
- (ii) the institution of proceedings against the respondent for an offence of stalking under section 4 of the Stalking Act 1997 is imminent; and
- (iii) the temporary order is needed 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 STALK 5

Case No. of

BERMUDA

IN THE MAGISTRATES' COURT

Section 15(1) of the Stalking Act 1997

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

Between

A.B. Complainant
and
C.D. Respondent

1. I, _____, of (address) _____, being a person
who is—

- *(a) a complainant on whose behalf a *protection order or *temporary order has been made;
- *(b) a respondent in respect of whom a *protection order or *temporary order has been made;
- *(c) a representative appointed pursuant to whichever of sections 6 to 9 of the Domestic Violence Act 1997 applies, to act on behalf of a person who—

*(a) is;

*(b) has been; or

*(c) will be;

the complainant in criminal proceedings against the respondent _____, of (address) _____, for an offence of stalking contrary to section 4 of the Act,

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).

*(delete where inapplicable).