

BELIZE:

DOMESTIC AND INTIMATE PARTNER VIOLENCE
(PROHIBITION) BILL, 2026

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BELIZE:

BILL

for

AN ACT to recognise the right of all persons to live free of domestic violence and intimate partner violence; to expand the powers of the court to make orders to support survivors; to increase accessibility to justice services; to fulfil Belize’s commitments under International Conventions for all persons to live free of violence; to repeal the Domestic Violence Act, Chapter 178 of the Substantive Laws of Belize, Revised Edition 2020; and to provide for matters connected therewith or incidental thereto.

(Gazetted.....2026)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

PART I

Preliminary

1. This Act may be cited as the

Short title.

**DOMESTIC AND INTIMATE PARTNER VIOLENCE
(PROHIBITION) ACT, 2026.**

2. In this Act—

Interpretation.

“applicant” means a person described in section 3 who makes an application for an Order or other relief pursuant to this Act;

“child” means a person under the age of eighteen years whether or not the child is a child of the applicant and respondent or either of them, and includes—

(a) an adopted child;

(b) a stepchild;

- (c) a child, whether or not a child of either the applicant or the respondent, who is or has been living in the household residence as a member of the family;
- (d) a child of a man and woman who are legally considered common law spouses, whether or not the man and woman still cohabit as common law spouses;
- (e) a child of a man and woman who are or have engaged in a visiting relationship or who are cohabitants;
- (f) a child of any of the persons engaged in an intimate partner relationship with each other;
- (g) a child of whom either the man or the woman is a guardian;
- (h) a child of any person seeking relief under this Act;
- (i) a disabled child; and
- (j) a foster child;

“Clerk” means the Clerk of Court or the Deputy Clerk of Court;

“court” means the Family Court, a Court of Summary Jurisdiction or a High Court hearing any family matter that includes an application for relief connected to domestic violence or intimate partner violence;

“cohabitant” means a person who has lived with, is living with, or is in a visiting or intimate partner relationship with a person of the opposite sex as a husband and wife, although not legally married or recognised as a common law spouse of that person;

“common law spouse” means a person who is in a common law union;

“common law union” means the relationship that is established when a man and woman who are not legally married to each other or to any other person, and who cohabit together continuously as husband and wife for a period of at least five years;

“cyberstalking” means the use of the internet or other electronic means to stalk, intimidate, humiliate, embarrass, or harass a person and includes—

- (a) using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act anonymously or repeatedly through any electronic means whether or not conversation occurs;

- (b) threatening to inflict injury on the person or property of the person communicated with or any member of that person's family or household;
- (c) the use of a network, data system, computer or other electronic device to tamper with data, images or to threaten, humiliate, harass or cause emotional distress to a spouse, cohabitant, visiting relationship or intimate partner in a way prohibited by the Cybercrime Act; and
- (d) threatening or attempting to disseminate any intimate, indecent or suggestive image of another to humiliate, embarrass, harass, or intimidate a spouse, cohabitant, intimate partner, or person in a dating or visiting relationship;

CAP. 106.01.

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

“domestic violence” means physical abuse, sexual abuse, financial abuse emotional abuse or psychological abuse committed by a person against a spouse, child, intimate partner, cohabitant, common-law spouse, dependant or former spouse or any other person who is a member of the household of the applicant or the respondent;

“drug” means a substance or product prescribed under Part I, II or III of Schedule II of the Misuse of Drugs Act;

CAP. 103.

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

- (a) intimidation by the use of abusive or threatening language, whether persistent or not;
- (b) following of the person from place to place, whether persistent or not;
- (c) depriving that person of the use of the property of that person;
- (d) interfering with or damaging the property of the person;
- (e) the watching or besetting of the place where the person resides, works, carries on business, attends for education, or happens to be, whether persistent or not;

- (f) making unwelcome telephone calls to the person, whether persistent or not;
- (g) the wilful or reckless neglect of a child, spouse, or dependant;
- (h) the forced confinement of a person, child, or spouse;
- (i) verbal or non-verbal threats of physical violence;
- (j) cyberstalking; and
- (k) inducing, coercing or forcing a person, without the person's consent, to take a drug that alters the will of that person, or that reduces the capacity of that person, to resist;

“essential services package” means a guidance tool identifying the essential services to be provided to all women and girls who have experienced gender-based violence, including services that should be provided by the health, social services, police, and justice sectors as well as guidelines for the coordination of these services;

“financial abuse” includes a pattern of behaviour of any kind, the purpose of which is to exercise coercive control over, or exploit or limit a person's access to, financial resources so as to ensure financial dependence;

Cap. 143.

“firearm” means any weapon from which a bullet may be shot as defined by the Firearms Act;

“Gender-Based Violence Referral Pathway” means a flexible mechanism that safely links survivors to supportive and competent services in a timely manner and includes health, psychosocial, security and protection, legal, and economic reintegration support;

“guardian” in relation to a child, means the person with legal responsibility and authority for making decisions with respect to a child and includes a person who has custody of that child;

“household residence” means—

- (a) in relation to both spouses, the dwelling house that is used habitually by both or either of them as the only or principal family residence together with any buildings or improvements appurtenant thereto and wholly or mainly used for the purposes of the household;

- (b) in relation to a man or a woman who are no longer spouses or in relation to cohabitants or intimate partners, the dwelling house that was last used habitually by either of them, before or after they ceased to be spouses or cohabitants, as the only or principal family residence, together with any land, buildings, or improvements appurtenant thereto and used wholly or mainly for the purposes of the household;
- (c) in relation to other persons, the place of their usual or habitual residence together with any buildings or improvements appurtenant thereto and wholly or mainly used for the purpose of the household; or
- (d) any shared dwelling or communal living arrangement in which two or more persons reside in the same premises or compound, whether or not they constitute a traditional household or family unit;

“Interim Order” means an Order made under sections 11 or 12;

“intimate partner” means a person who is having a consensual relationship of a sexual nature with another person;

“intimate partner violence” means physical abuse, sexual abuse, financial abuse, emotional abuse or psychological abuse committed by a person against another person with whom they are having or have had a relationship of a sexual nature or a dating relationship with;

“Minister” means the Minister responsible for human development;

“Occupation Order” means an Order referred to in section 8;

“Order” means a Protection Order, an Occupation Order, a Tenancy Order, a Counselling Order, an Order for the payment of financial compensation, or any other Order prescribed in Part II of this Act;

“parent” means a person who is a parent or grandparent in relation to a child, cohabitant, dependant, spouse or respondent, as the case may be—

- (a) by blood;
- (b) by marriage; or
- (c) by adoption or foster care,

and includes a guardian or person who has actual custody of a child;

“personal effects” means privately owned items, such as clothes, phones, keys, or identification documents, that are regularly worn or carried on one’s person;

“personal property” means—

- (a) any privately owned tangible movable property including furniture, computers, art, books, vehicles, tools, or documents; or
- (b) any privately owned intangible property including negotiable instruments, digital content, data, patents, industrial designs, trademarks, copyrights, trade secrets, securities or other intangible assets;

“physical abuse” means hitting, punching, pushing, spitting on, slapping, kicking, throwing things, using weapons or objects to hurt or injure or any act or omission which constitutes a physical assault or physical restraint of a person and includes the commission of or an attempt to commit any of the offences listed in Schedule I;

Schedule I.

“police officer” means a member of the Belize Police Department;

“Protection Order” means an Order made pursuant to section 4;

“Registrar” means the Registrar of the High Court or Deputy Registrar of the High Court;

“respondent” means a person against whom an application for an Order is made;

“sexual abuse” means sexual contact of any kind that is coerced by force, threat of force or drugs or the commission of, or an attempt to commit, a crime.

“spouse” means—

- (a) a woman married to a man;
- (b) a man married to a woman;
- (c) a woman in a common-law relationship with a man;
- (d) a man in a common-law relationship with a woman; and
- (e) a former spouse;

“Tenancy Order” means an Order made pursuant to section 8;

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

- (a) whose tenancy has expired or has been determined; and
- (b) who is for the time being deemed under or by virtue of any enactment or rule of law to continue to be the tenant of the dwelling house, and the term “tenancy” has a corresponding meaning; and

“visiting relationship” means a non-cohabitational intimate partner relationship between a man and a woman who are not legally recognised as common law spouses or cohabitants, whether that relationship may or may not have produced a child, and shall include a dating relationship.

PART II

Orders

3.—(1) A person referred to in sub-section (2) may apply to the court for any of the Orders provided under this Act on the ground that the respondent is engaging, has engaged, or threatens to engage, in domestic violence or intimate partner violence.

Persons who may apply.

- (2) An application under sub-section (1) may be made by—
- (a) the spouse, cohabitant or intimate partner of the respondent, acting either on that person’s own behalf or on behalf of another person;
 - (b) the former spouse, cohabitant or intimate partner of the respondent, acting either on that person’s own behalf or on behalf of another person;
 - (c) a person with whom the respondent is in an intimate partner relationship, visiting relationship, or dating relationship, acting either on that person’s own behalf or on behalf of another person;
 - (d) a member of the household of the spouse, cohabitant, intimate partner or of the household of the person with whom the respondent is having or has had an intimate, visiting or dating relationship, acting either on that person’s own behalf or on behalf of another person;
 - (e) a child or adolescent;
 - (f) a dependant;

- (g) an elderly person;
- (h) a parent or guardian, acting either on that person's own behalf or on behalf of another person;
- (i) a person who has a child in common with the respondent, acting either on that person's own behalf or on behalf of another person;
- (j) a police officer;
- (k) a social worker or an officer attached to a department of the Ministry responsible for human development;
- (l) a person who is over eighteen years old and financially dependent on his parents, whether or not that person is a member of the household of the parents;
- (m) a sibling or half sibling; and
- (n) any other person who may be affected by domestic violence or intimate partner violence.

(3) A child, adolescent or a dependant may apply for an Order provided under this Part through—

- (a) a person with whom the child or dependant normally resides or resides with on a regular basis, or by any adult member of the household;
- (b) a parent or guardian of, or a person who is in *loco parentis* to, the child or dependant; or
- (c) an officer attached to a department of the Ministry responsible for human development.

(4) Notwithstanding sub-section (3), a police officer, a social worker, or an officer attached to a department of the Ministry responsible for human development may apply for an Order provided under this Part on behalf of an applicant referred to in sub-section (2).

(5) Where an application referred to in sub-section (3) or (4) is on behalf of a child or dependant, the parent or guardian of the child or dependant shall have a right to be a party to the proceedings.

(6) Where an application referred to in sub-section (4) relates to an applicant who is an adult, the applicant shall be a party to the proceedings.

4.—(1) Nothing in this Act or any other law shall preclude a person from applying for—

Protection
Orders and other
Orders.

- (a) a Protection Order and an Occupation Order;
- (b) a Protection Order and a Tenancy Order;
- (c) a Protection Order, an Order for medical costs, relocation costs, legal costs, or compensation for monetary loss;
- (d) a Protection Order and a Counselling Order;
- (e) a Protection Order and a combination of any of the Orders specified in paragraphs (a) to (d); or
- (f) any of the Orders specified in paragraphs (a) to (d) independently of a Protection Order.

(2) Where, on an application made by a person referred to in section 3, the court determines, on a balance of probabilities, that domestic violence or intimate partner violence has occurred, it may issue a Protection Order with or without any other Order described in sub-section (1) containing any or all of the prohibitions and directions set out in section 5 or any such Tenancy Order, Occupation Order, or Counselling Order or Order as to compensation or costs independently of a Protection Order.

(3) The court shall grant a Protection Order with or without any other Order described in sub-section (1) or any such Tenancy Order, Occupation Order, Counselling Order or Order as to compensation or costs independently of a Protection Order, where it is satisfied that the respondent—

- (a) is engaging in, or has engaged in, domestic violence or intimate partner violence against a person specified in the application;
- (b) has engaged in domestic violence or intimate partner violence against a person and, unless restrained, is likely to engage in further conduct that would constitute domestic violence or intimate partner violence; or
- (c) has threatened to engage in conduct that would constitute domestic violence or intimate partner violence and, unless the respondent is restrained, the respondent is likely to engage in conduct that would constitute that, or another domestic violence or intimate partner violence offence,

and in either case, having regard to all the circumstances of the case, the Order is necessary for the protection of the applicant or any other person specified in the application, or is in the best interests of a child or dependant.

Terms of
Protection
Orders.

5.-(1) A Protection Order may—

- (a) prohibit the respondent from—
 - (i) engaging in or threatening to engage in conduct which would constitute domestic violence or intimate partner violence towards the applicant;
 - (ii) being on premises specified in the Order that are premises frequented by the applicant including any residence, property, business, university, school or place of employment;
 - (iii) being in a locality specified in the Order;
 - (iv) engaging in direct or indirect communication with the applicant;
 - (v) taking possession of, damaging, converting or otherwise dealing with property that the applicant may have an interest in, or is reasonably used by the applicant, as the case may be;
 - (vi) approaching the applicant within a specified distance; and
 - (vii) causing or encouraging another person to engage in conduct specified in sub-paragraphs (i) to (vi);
- (b) direct that the Order be applied for the benefit of and extended to a spouse, parent, child, dependant, cohabitant, other member of the household residence, intimate partner or person in a visiting or dating relationship;
- (c) direct that the respondent—
 - (i) return to the applicant specified personal effects or personal property belonging to the applicant that is in the possession or under the control of the respondent;
 - (ii) pay compensation for monetary loss incurred by the applicant as a direct result of conduct that amounted to domestic violence or intimate partner violence;

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- (iii) pay interim monetary relief to the applicant, or to any person specified in the Order, for the benefit of any child or dependant, where there is for the time being no existing Order relating to maintenance, until such time as an obligation for the financial maintenance of the child is determined pursuant to any other law;
 - (iv) immediately vacate any place or residence for a period not exceeding three years, whether or not the place or residence is jointly owned or leased by the respondent and the applicant, or solely owned and leased by the respondent or the applicant;
 - (v) pay the rent, or a portion of the rent specified in the Order in respect of any place or residence referred to in paragraph (iv);
 - (vi) make or continue to make payments in respect of rent or mortgage payments for premises occupied by the applicant;
 - (vii) ensure that reasonable financial and material care and support is provided in respect of a child or dependant;
 - (viii) relinquish to the police any firearm or other weapon in the possession or control of the respondent and which has been used in domestic violence or intimate partner violence; and
 - (ix) destroy any image, video or audio material stored or shared on any audio, visual, print or electronic device or any network, data system or internet or online platform which has been used in domestic violence or intimate partner violence;
- (d) direct that the applicant, child or any other person specified in the Order is to receive professional counselling or therapy—
- (i) from a reputable and qualified private therapist or counsellor and may make such Order as to who shall bear the expense of such treatment as is appropriate; or
 - (ii) from a reputable public programme provided by the Ministry with responsibility for human development and make such Order as necessary for the appropriate

officers within that Ministry to facilitate or coordinate the counselling; and

- (e) where appropriate, direct that a respondent participates in mandatory psychosocial intervention and specify the nature of the intervention the respondent should participate in based on the screening and recommendation of the Ministry responsible for human development.

(2) An Order made under sub-section (1) may contain such prohibitions and directions as consented to by the applicant or respondent or both.

(3) The court may make an Order that includes a prohibition of the kind referred to in sub-section (1)(a)(ii) and (v) notwithstanding any legal or equitable interests the respondent might have in the property comprising the premises or in the property to which the prohibition of the kind referred to in sub-section (1)(a)(ii) and (v) relates.

(4) An Order made under sub-section (1) may be in Form 4 set out in Schedule II.

Schedule II.
Form 4.

Counselling
Orders.

6. Where the court makes a Counselling Order under section 5(1)(d), the Order shall specify—

- (a) that the court shall receive written notification from the counsellor or therapist of sessions missed without reasonable excuse;
- (b) the date by which the counsellor or therapist shall submit a report to the court in respect of the counselling or therapy; and
- (c) that such report shall include, where applicable, any prognosis for recovery.

Orders for
payment of
financial
compensation.

7.—(1) Where the court makes an Order under section 5(1)(c)(ii) which directs the payment of compensation, such financial compensation shall include but not be limited to—

- (a) any loss of earnings;
- (b) medical and dental expenses;
- (c) counselling therapy expenses;
- (d) process serving expenses incurred;

- (e) relocation and moving expenses;
- (f) accommodation expenses; and
- (g) reasonable legal costs, including the cost of an application under this Act.

(2) The payment of financial compensation by a respondent shall be received by the Clerk or Registrar, as the case may be, on behalf of the applicant.

8.—(1) Where the court makes an Order under section 5(1) which directs that the respondent—

Occupation and
tenancy Orders.

- (a) vacates any place or residence;
- (b) returns to the applicant any specified personal effects or personal property in the possession or control of the respondent; or
- (c) pays the rent or mortgage, or a portion of the rent or mortgage of any place or residence referred to in section 5(1)(c)(iv),

the court may in the same Order, if it thinks it necessary and notwithstanding any other law, direct a police officer to remove the respondent either immediately or within a specified time from the said place or residence, or to accompany the applicant, as the case may be, either immediately or within a specified time, to the said place or residence in order to supervise the removal of property belonging to the applicant and to ensure the protection of the applicant and any other person on the place or residence.

(2) Where an agreement including a mortgage or a lease of premises provides that, if the respondent ceases to reside in the place of residence, a person may take action that would be prejudicial to the interests of the respondent or a member of the respondent's family, the person is not entitled to take that action if the respondent ceases to reside in the place of residence in compliance with an Order made under this Part.

(3) Where the court is satisfied on evidence before it that an agreement referred to in sub-section (2) exists in relation to the respondent, the court shall, at the time of making an Order, direct that a copy of the Order be sent to the person referred to in sub-section (2) by the Clerk or Registrar, as the case may be.

(4) A copy of an Occupation Order shall be served on the respondent by a police officer, process server or a bailiff by the same method of service

that was approved for the service of the summons and the court may, at its discretion, receive proof of such evidence by affidavit in Form 8 set out in Schedule II.

(5) Where the household residence in respect of which an application is made is being rented, the court may make a Tenancy Order, ordering the respondent to continue paying the rent so long as the Tenancy Order remains in force, and directing the applicant to continue residing in the household residence for such period and on such terms and subject to such conditions as the court thinks fit.

(6) Where an Occupation Order or a Tenancy Order is made, the person for whose benefit the Order is made shall be entitled, to the exclusion of the respondent, personally to occupy the household residence or any premises on the household residence to which the Order relates, for the period specified in the Order.

(7) On or after making an Occupation Order or a Tenancy Order the court may, subject to sub-section (8), make an Order granting to the applicant the use, for such period and on such terms and subject to such conditions as the court thinks fit, of all or any of the following in the household residence or other premises to which the Order relates, namely—

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

(8) Notwithstanding sub-section (7), an Order under that sub-section shall continue in force for a period of six months unless the court otherwise directs, but, in any event, shall expire if the Order made in relation to the household residence expires or is otherwise discharged by the court.

Matters to be considered by the Court.

9. In determining whether or not to impose one or more prohibitions or directions in any Order made under this Part, the court shall, without limitation, have regard to the following—

- (a) the nature, history or pattern of the domestic violence or intimate partner violence that has occurred and whether any previous Order or Interim Order has been issued;
- (b) the need to protect the applicant and any other person for whose benefit an Order has been issued from further domestic violence or intimate partner violence;
- (c) the best interests and welfare of any child or dependant;

- (d) the accommodation needs of the applicant or other person on whose behalf the application is made and any other person;
- (e) the hardship that may be caused to the applicant or the respondent as a result of issuing the Order;
- (f) the income, assets and financial obligations of the respondent, the applicant, and any other person affected by the Order;
- (g) the need to preserve and protect the institution of marriage and other matrimonial relationships whilst affording protection and assistance to the family as a unit;
- (h) that no traditional practice, religious belief or cultural practice may ever be considered as a justification for or defence to a charge of domestic violence or intimate partner violence;
- (i) the support and protection needs of an applicant who is a migrant, including the provision of translation services, access to the embassy of the migrant, shelter, psychosocial support, assistance to return safely to their country of origin and whether the migrant is subject to deportation proceedings for any immigration offence;
- (j) the needs of all applicants, including persons with a disability, persons from indigenous or marginalised groups or persons with other vulnerabilities, including translation services, accessibility or other accommodation support to access services, psychosocial support, shelter or other needs; and
- (k) any other matter that in the circumstances of the case the court considers relevant.

10.–(1) An Order made under this Part may be for such period as the court considers necessary, but shall not exceed three years.

Duration of Orders.

(2) Where an Order contains any prohibitions or directions, the court may specify different periods, none of which shall exceed three years, as the period for which each prohibition or direction shall remain in force.

11.–(1) On an application for a Protection Order, the court may make an Interim Order, pending the hearing and determination of the proceedings, if

Interim Orders.

it appears necessary or appropriate to do so in order to ensure the safety and protection of the applicant or other person on whose behalf the application is made or the best interests and welfare of any child or dependant.

(2) An Interim Order may be made by the court at any time before or during the hearing of the application whether or not—

- (a) the respondent is present at the proceedings; or
- (b) the respondent has been given notice of the proceedings.

(3) An Interim Order may be made for such period of time as the court considers necessary but shall not exceed a period of twenty-one days.

(4) Subject to sub-section (3), an Interim Order may contain any or all of the prohibitions specified in section 5(1)(a).

(5) Where an Interim Order is made, the court shall summon the respondent to appear at a further hearing of the matter as soon as possible after the making of the Interim Order, and at such further hearing the court may—

- (a) extend the period of the Interim Order for such further period or until the date fixed for the hearing of the application, such period not to exceed forty-two days from the date of the application;
- (b) revoke the Interim Order; or
- (c) hear the application and make any Order provided in this Part in substitution for the Interim Order, whether or not the respondent appears at the proceedings.

Schedule II.
Form 8.

(6) Where an Interim Order is granted *ex-parte*, the respondent shall be served, personally or in such other manner as is provided for in this Act, with a copy of the Order, and the court may receive proof of such service by affidavit in Form 8 set out in Schedule II.

Interim
Protection
Orders by
Select Senior
Justices of the
Peace.

12.—(1) Notwithstanding section 11, a Select Senior Justice of the Peace shall have the powers of a magistrate to issue an *ex parte* Interim Protection Order to an applicant on the grounds that a person is engaging, has engaged or threatens to engage in domestic violence on the applicant and—

- (a) the circumstances are such that at the time of the incident or threat—
 - (i) no magistrate is available;

- (ii) it is outside of normal working hours of the court;
- (iii) the court is closed or otherwise unavailable;
- (iv) it is an emergency situation where a life is at risk or there is an imminent threat of harm or injury and accessing a magistrate is, for reasons of distance or otherwise, not reasonable, practical or possible; or

(b) an exceptional circumstance is present.

(2) In determining whether the matter is a suitable one for a Select Senior Justice of the Peace to act under sub-section (1)(a)(i)–

- (a) an applicant shall make representation to the Select Senior Justice of the Peace of the circumstances surrounding the fact that there is no magistrate; and
- (b) the Select Senior Justice of the Peace shall, as soon as reasonably practicable, file a report with the Director of the Family Court to that effect.

(3) For the purposes of an *ex parte* application for an interim protection order under sub-section (1), where on a balance of probabilities, a Select Senior Justice of the Peace determines that domestic violence has occurred or is likely to occur and that such Order is necessary for the protection of the applicant or any other person specified in the application, or is in the best interests of a child, the Select Senior Justice of the Peace may issue an Interim Protection Order, in the prescribed form, if the circumstances under sub-section (1) exist, containing any or all of the prohibitions set out in section 5(1)(a).

(4) In determining whether or not to impose one or more prohibitions or directions under section 5(1)(a), in an Interim Protection Order made under this section, the Select Senior Justice of the Peace shall, without limitation, have regard to the following–

- (a) the nature, history or pattern of the domestic violence that has occurred and whether any previous Order or Interim Order has been issued;
- (b) the need to protect the applicant and any other person for whose benefit an Order has been issued from further domestic violence;
- (c) the best interests and welfare of any child; and

(d) any other matter that, in the circumstances of the case, the Select Senior Justice of the Peace considers relevant.

(5) An *ex parte* Interim Protection Order issued under sub-section (1) shall—

(a) be in Form 4 prescribed in Schedule II;

(b) not be for more than seventy-two hours;

(c) be served on the respondent personally or otherwise; and

(d) be forwarded to the magistrate of the judicial district in which the Order was granted.

Schedule II.
Form 4.

PART III

Proceedings in Respect of Application for Orders

Applications and
application
proceedings.

Schedule II.
Form 1.

Act 25 of 2021.

13.—(1) An application for an Interim Protection Order and any other Interim Order referred to in section 11(4), or for a Protection Order or any other Order provided in section 4(1), shall be made in Form 1 set out in Schedule II and shall be filed with the Clerk or Registrar, as the case may be, in person, by agent or by any electronic filing platform authorised to be used for the Family Court or the Magistrate Court upon payment of the requisite filing fees, and any such documents submitted through any electronic filing platform shall comply with the requirements of the Electronic Transaction Act.

CAP. 99.

(2) Except as otherwise provided for by this Act, the Summary Jurisdiction (Procedure) Act shall apply *mutatis mutandis* in respect of an application made under sub-section (1).

(3) Proceedings in respect of an application under sub-section (1) shall be held in camera.

(4) Where an application under sub-section (1) is made on behalf of a child, elderly person or dependant, the parent or guardian of that child or dependant, or the person with whom the child or dependant normally resides or resides with on a regular basis is entitled to be a party to the proceedings.

(5) Nothing in sub-section (4) shall prevent a child, elderly person or dependant, on whose behalf an application is made under sub-section (1), from being heard in the proceedings, and where the child, elderly person or dependant expresses views, the court shall take account of those views having regard to the—

- (a) age, maturity and mental capacity of the child or dependant and the mental capacity of the elderly person; and
- (b) ability of the child, elderly person or dependant to express such views coherently and with sufficient clarity.

(6) The court may give directions for any person other than the respondent to be allowed to give evidence using the special measure provided for in the Protection of Witnesses Act where it is appropriate to do so by reason of the age, incapacity, fear or distress of the witness.

Act 8 of 2022.

14.–(1) The court may hold the hearing of the case either in person or virtually using the approved platform for the court as may be appropriate and available pursuant to any applicable law relating to virtual hearings in the court.

Hearings may be in person or virtual.

(2) Where any virtual hearing is held, the court shall give directions for the virtual hearing at the start of the proceedings.

15.–(1) In all proceedings for an Order under this Act, the court shall inquire of the Applicant whether they would wish to have a social worker present in court as a support person, and the Applicant may make a request to the court to have a social worker present during the proceedings.

Social worker may be present during proceedings.

(2) Where the court refuses a request made under sub-section (1), the court shall provide written reasons for the refusal.

16.–(1) The Clerk or Registrar, as the case may be, shall fix a date for the hearing of an application made under section 13(1) which shall be no more than five days after the date on which the application is filed.

Date of the hearing.

(2) The Clerk or Registrar, as the case may be, shall notify the parties where any hearing will be conducted virtually and ensure that the parties are in agreement and have the capacity and appropriate internet support to participate in a virtual hearing.

17.–(1) Subject to section 11(2)(b) and (5), a copy of an application made under section 13(1) together with the notice of the date on which, and the time and place at which, the application is to be heard, shall be served so far as is practicable, personally on the respondent by a bailiff, police officer or a process server.

Notice of proceedings.

(2) A notice of proceedings shall be issued by the Clerk or Registrar, as the case may be, in Form 2 set out in Schedule II.

Schedule II. Form 2.

(3) Where an application is made under section 13(1) in respect of a child or dependant, a copy of the application, together with the 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 personally by a bailiff, process server or police officer on the parent or guardian or other person with whom the child or dependant normally resides or resides with on a regular basis.

(4) A notice of proceedings which is issued and served under this section shall, for all legal purposes, constitute a summons that duly issued and served under the Summary Jurisdiction (Procedure) Act and shall compel the respondent to appear in court to answer the application as if it were a complaint to which that Act applies.

CAP. 99.

Schedule II.

Form 8.

(5) The court shall receive oral evidence or an affidavit in Form 8 set out in Schedule II from the police officer as to the proof of service of each application and notice of proceedings.

Act No. 15 of 2023.

(6) The court shall consider whether it is appropriate, in proceedings for applications where the applicant is deemed as vulnerable or as an intimidated witness, to adjourn any proceedings for the court to enable the applicant to obtain emergency legal assistance, including, where applicable, assistance provided under any law relating to legal aid.

(7) Where the hearing of an application is adjourned because the application and the notice of proceedings have not been served on the respondent, the time and place fixed by the court for the adjourned hearing shall be the date, time and place stated in the new notice of proceedings.

Duties of the Clerk, intake officers etc.

18.—(1) The Clerk, an intake officer, or such other officer of the Court as may be appropriate shall have the following duties—

- (a) inform applicants of their rights;
- (b) explain to applicants the various Orders available to them as well as the category of persons who may apply;
- (c) explain the application process including the process for Interim Orders, service and hearings;
- (d) explain the costs associated with the filing of the application as well as the service of summons and whether such costs can be recovered in court as well as the process for recovering those costs;
- (e) explain the services available to them from the Ministry responsible for human development or any organisation within the National Gender-Based Violence Pathway and shall make referrals of all cases to the Ministry responsible for human development for services under the essential services package;

- (f) accept the referral form from the Ministry responsible for human development as a waiver of application fees;
- (g) obtain from the Magistrate an Order waiving the filing fees if an applicant is not able to pay the filing fees;
- (h) assist applicants in completing the required forms to file an application for a Protection Order or other Order;
- (i) explain and assist applicants to access any electronic filing platform used by the court;
- (j) assist applicants to identify safety risks for them and help them with basic safety planning;
- (k) act with due diligence in the performance of their duties and provide gender responsive services to all applicants;
- (l) maintain confidentiality and respect the privacy and dignity of applicants and respondents;
- (m) ensure that measures are in place to prevent the respondent from being in the same space as the applicant or in a space where the respondent can intimidate or threaten an applicant while waiting to go into court;
- (n) inform applicants of the availability of legal aid for legal representation and assist them in making the appropriate application for legal aid to the relevant authority responsible for its provision;
- (o) inform applicants of the complaints mechanism process of the National Women's Commission; and
- (p) do all things that are necessary, incidental or conducive to the attainment of the purposes of this Act.

Act 15 of 2023.

(2) The Clerk, intake officers and other court staff shall engage in annual trainings on the manifestations of domestic violence and intimate partner violence, the impact of trauma on survivors, how to provide gender responsive services and the eligibility requirements for clients to obtain a court Order.

19. Where notice of the proceedings has been served on the respondent in accordance with section 17 and the respondent fails to appear in person at the time fixed for the hearing, the court may—

Absence of the respondent.

- (a) proceed to hear and determine the matter in the absence of the respondent; or
- (b) where the court is satisfied, having regard to the material before it, that it is appropriate to do so, adjourn the matter and issue a warrant for the respondent to be apprehended and brought before the court.

Absence of the applicant.

20.—(1) If, on the date of the hearing of the application, the respondent appears in court, but neither the applicant nor the person on whose behalf the application is made appears either in person or by an attorney-at-law, the court may—

- (a) dismiss the application;
- (b) having received a reasonable excuse for the non-appearance of the applicant or other person, adjourn the hearing upon such terms as it deems just;
- (c) where it is satisfied, having regard to the submissions before it, direct that evidence be given by affidavit and—
 - (i) on the application of any other party, order the attendance for cross examination of the person making any such affidavit, and that such appearance may be virtual; and
 - (ii) where the court determines that the applicant is a vulnerable or intimidated person, order such special measures as required for vulnerable or intimidated witnesses under the Protection of Witnesses Act.

Act No. 8 of 2022.

Schedule II. Form 3.

(2) The respondent may at any time apply to the court in Form 3 set out in Schedule II for any Order or Interim Order to be varied or revoked by the court in accordance with section 25.

Explanation of Orders and Interim Orders.

21. Where the court proposes to make an Order or an Interim Order and the respondent is before the court, the court shall, before making the Order or the Interim Order, explain to the respondent in a language the respondent understands—

- (a) the purpose, terms and effect of the proposed Order or the Interim Order;
- (b) the consequences that may follow if the respondent fails to comply with the terms of the proposed Order or the Interim Order; and

- (c) the procedure by which the proposed Order or Interim Order may be varied or revoked.

22.-(1) Where an Order or an Interim Order is made or varied by the court—

Service of Orders.

- (a) the Clerk or Registrar, as the case may be, shall arrange for the Order or the Interim Order to be drawn up in Form 6 set out in Schedule II and filed in the court; and

Schedule II.
Form 6.

- (b) the court shall cause the bailiff, process server or police officer to serve a copy of the Order or the Interim Order, as the case may be, on—

- (i) the respondent utilising the same method of service ordered for the summons;

- (ii) the applicant in person or electronically as may be indicated by the applicant; and

- (iii) any other person to whom the Order or the Interim Order is to apply, whether or not such a person is a party to the proceedings.

(2) The court shall cause the bailiff, process server or police officer to provide a copy, electronic or otherwise, of the Order to the police station located nearest to the area where the respondent and the applicant reside.

(3) The police station which is served with a copy of the Order or Interim Order shall contact the applicant who has been granted the Order and—

- (a) advise the applicant of their rights and the support services available to them under the Gender-Based Violence Referral Pathway;

- (b) schedule such follow up visits to the location or locations named in the Order to ensure the safety of the applicant;

- (c) where appropriate, advise the respondent of the importance of the Order; and

- (d) conduct random monitoring visits.

(4) The court shall keep track of Orders issued and shall notify the police of any variation or revocation of any Order issued by the court.

(5) Service under this section shall be at the expense of the court.

Service other than personal service.

23.—(1) Where the court has not been able to serve notice of the proceedings or the Order, as the case may be, upon the respondent personally, it may, on application made by the applicant supported by an affidavit, including an affidavit of the person having conduct of the proceedings, make an Order for substituted service of the notice of proceedings or Order, as the case may be, and shall include in such Order a direction as to who will pay the cost of such substituted service.

- (2) For the purpose of sub-section (1), “substituted service” means—
- (a) service by registered post to the last known address of the respondent;
 - (b) leaving the documents at the last known address of the respondent;
 - (c) service by advertisement in two weekly newspapers, which service is deemed to have been effected at midnight on the date of the later advertisement; or
 - (d) service in such other manner as the court may direct.

Respondent to have notice.

24. Unless provided otherwise in this Act, a respondent shall not be bound by an Order or an Interim Order—

- (a) where the respondent was not present at the time of the making of the Order or Interim Order; or
- (b) where the Order has not been served on the respondent personally or in accordance with section 23.

PART IV

Variation, Revocation, and Enforcement of Orders

Variation and revocation of Orders. Schedule II. Form 3.

25.—(1) Where an Order is in force, a party to the proceedings in respect of whom the Order was made may apply to the court in Form 3 set out in Schedule II for an Order varying or revoking the original Order.

(2) On an application under sub-section (1), the court may, by Order, vary or revoke the Order or the Interim Order.

(3) A copy of an application under this section shall be served, at the expense of the court, by a bailiff, police officer or process server, so far as practicable, personally on each person who was a party to the proceedings in respect of which the original Order or Interim Order was made.

(4) In determining whether to vary or revoke an Order or an Interim Order, the court shall have regard to whether there has been any significant change to the matters specified in section 9.

26.—(1) Subject to sub-section (2), a person against whom an Order or an Interim Order has been made who has had notice of the Order or the Interim Order, and contravenes any provision of the Order or the Interim Order, or fails to comply with any direction or prohibition of the court stated in the Order or Interim Order, commits an offence and is liable—

Breach of Orders.

- (a) on a first conviction, to a fine not exceeding twelve thousand dollars or to imprisonment for a term not exceeding twenty-four months, or to both such fine and imprisonment;
- (b) on a second conviction, to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding thirty-six months, or to both such fine and imprisonment; and
- (c) on any subsequent conviction to imprisonment for a term not exceeding ten years.

(2) Where a person is convicted of a first offence under this section, the court shall, in addition to any penalty imposed under sub-section (1), order the person to attend and satisfactorily complete a counselling programme approved by the court for persons who have engaged in domestic violence, intimate partner violence, or related abusive behaviour.

(3) A person who fails, without reasonable excuse, to comply with an Order made under sub-section (2) commits an offence and may be dealt with by the court as if the Order were a direction of the court.

(4) Where a person is convicted of an offence under this Act, the court may, in lieu of imposing a sentence of imprisonment, but not the fine, as provided in sub-section (1), make a Rehabilitation Order requiring the convicted person to undergo probation in a re-education or rehabilitation program for persons in a similar situation, and to engage in community service work each weekend for one year.

(5) The court shall not impose a Rehabilitation Order in lieu of a custodial sentence if the offence committed was an act of physical abuse or sexual abuse.

(6) A Rehabilitation Order shall only be made in the following circumstances—

- (a) where the person is a first-time offender under this Act and has no previous convictions for such offences;
- (b) where the convicted person has not previously breached an Order or an Interim Order made pursuant to this Act; and
- (c) where a suitable program of education and training is available for such persons.

(7) Before making a Rehabilitation Order under this section, the court shall have regard to any submissions and representations by the prosecution and the defence.

(8) A Rehabilitation Order may be made subject to such conditions as the court may think fit to impose.

(9) Where the person in respect of whom a Rehabilitation Order is made fails to comply with the conditions thereof, the court may, after holding an inquiry, revoke the Rehabilitation Order and proceed to pass a sentence in accordance with sub-section (1).

PART V

Police Duties and Powers of Entry and Arrest

Duties of police officers.

27.—(1) Where a police officer receives a report of domestic violence or intimate partner violence by telephone or electronic means, the police officer shall—

- (a) as far as practicable, request all information from the person making the report as is necessary to complete the domestic violence and intimate partner violence report referred to in section 28 without requiring the person making the report to make an in person visit to the police station; or
- (b) the police officer shall coordinate a visit to the location mentioned in the said report to obtain the necessary information.

(2) Where a police officer receives a complaint or report by telephone or electronic means, the police officer shall first determine whether the alleged victim is in imminent danger of a threat to life or limb, and if so determined, the police officer shall cause immediate police response to address the said threat.

(3) A police officer shall respond to every complaint or report to determine safety risks, make follow up visits and support applications by every person alleging domestic violence or intimate partner violence whether or not the person making the complaint or the report is the victim and whether or not that complaint or report is made in person or by telephone or other electronic means.

(4) A police officer responding to a complaint or report alleging domestic violence or intimate partner violence shall inform the alleged victim on the scene of their right to pursue a domestic violence or intimate partner violence application and obtain a Protection Order in response to the report made as well as their other rights in accordance with the Schedule III.

Schedule III.

(5) The police officer shall maintain confidentiality and privacy of the applicant and shall ensure that an applicant making a report or complaint of domestic violence or intimate partner violence is not exposed to the respondent and is not threatened or intimidated by the respondent.

(6) A police officer assigned to the Domestic Violence Unit of the Police Department shall receive annual refresher training on—

- (a) the manifestations of domestic violence and intimate partner violence;
- (b) how to provide gender responsive services; and
- (c) how to advise the applicant on help and referral services available.

(7) A police officer shall explain the services available to an applicant from the Ministry responsible for human development or CSOs within the National Gender-Based Violence Pathway and shall make referrals of all cases to the Ministry responsible for human development for services under the essential services package.

(8) A police officer shall provide applicants with information on the national complaints mechanism under the National Women's Commission.

(9) A police officer responding to a complaint or report alleging domestic violence or intimate partner violence shall make checks to determine if there are prior complaints or reports alleging domestic violence or intimate partner violence concerning the same parties, and where there are repeat reports involving the same respondent, the police shall establish a protocol to do random follow up visits to the location and to inform the victim of domestic violence or intimate partner violence of their rights as stated in Schedule III.

Schedule III.

(10) Where there are multiple reports of domestic violence or intimate partner violence involving the same parties, and the party being harmed does not want to bring an application for a Protection Order or other relief, the police officer shall—

- (a) proceed to make an application on behalf of the applicant even if the applicant indicates that they do not want to pursue a domestic violence or intimate partner violence application; and
- (b) refer the applicant to the Family Service and Gender Affairs Department;

(11) Where an application is brought by a police officer or other third party and the person who is the subject of the proceedings is unwilling or unable to give testimony in support of the application, the court shall, in determining whether an Order shall be made, have regard to—

- (a) the testimony or statement of the police officer detailing the number of repeat reports of domestic violence or intimate partner violence;
- (b) any indication of injuries, bruises or acts of violence observed and documented by the police in such statement or testimony; or
- (c) any report from a social worker or a counsellor of any services or treatment provided for domestic violence or intimate partner violence to the person on whose behalf the proceedings are brought;
- (d) the testimony or statement of any witness to the acts of violence that are the subject of the complaint; and
- (e) the seriousness, nature and impact of the violence that is the subject of the proceedings.

(12) A police officer responding to a domestic violence or intimate partner violence complaint shall—

- (a) complete a domestic violence or intimate partner violence report which shall form part of a National Domestic Violence Register to be maintained by the Commissioner of Police; and
- (b) forward a copy of that domestic violence or intimate partner violence report electronically to each of the Magistrate Court and Family Court having jurisdiction over

the district in which the complaint of domestic violence or intimate partner violence occurred.

28.—(1) A domestic or intimate partner violence report shall be in Form 7 set out in Schedule II and shall include—

Domestic or intimate partner violence report.

- (a) the name, address, occupation, contact number and other bio-data of each of the parties;
- (b) the relationship between the parties;
- (c) information relating to the history of domestic violence or intimate partner violence between the parties;
- (d) the date and time the complaint was received; and
- (e) the type of the abuse and the weapon used, if any.

Schedule II. Form 7.

(2) The details of such report shall be entered into the Police database as well as the case management system used for the Ministry responsible for human development for coordination and follow up with the Ministry responsible for human development.

29. Where a Magistrate is satisfied, by information on oath, that—

Issuing of a warrant.

- (a) there are reasonable grounds to suspect that a person on premises has suffered or is in imminent danger of physical injury at the hands of another person in a situation amounting to domestic violence or intimate partner 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 first mentioned person in paragraph (a),

the Magistrate may issue a warrant in writing authorising a police officer to enter the premises specified in the warrant at any time within twenty-four hours after the issue of the warrant and subject to any conditions specified in the warrant, to take such action as is necessary to prevent the commission or repetition of the offence or a breach of the peace or to protect life or property, including seizing a weapon alleged to have been used in the commission of a domestic violence or intimate partner violence offence and thus needed for the purpose of an investigation or trial.

30.—(1) Where a police officer has been invited onto premises by a person apparently resident in those premises, for the purpose of giving assistance to that person or another who has suffered or is in imminent

Police powers of entry and arrest without warrant.

danger of suffering physical injury at the hands of another person in a situation amounting to domestic violence or intimate partner violence, the police officer may, without a warrant, enter the premises for the purpose of giving assistance and shall take such action as is reasonable to prevent the commission or repetition of the domestic or intimate partner violence complained of.

(2) Where a police officer has been refused entry onto premises and has reasonable cause to believe that a person is engaging in or threatening to engage in conduct which amounts to domestic violence or intimate partner violence, and that failure to act immediately may result in physical injury or death, the police officer may enter those premises without a warrant, for the purpose of—

- (a) arresting the person suspected of engaging in conduct amounting to domestic violence or intimate partner violence;
- (b) giving assistance to a person who has suffered injury;
- (c) ensuring the welfare and safety of a child or dependant who may be on the premises;
- (d) accompanying a spouse, cohabitant, intimate partner or other person who has made a complaint or report of domestic violence or intimate partner violence to remove personal effects or personal property from a residence; and
- (e) preventing any further breach of the law.

(3) Nothing in this section authorises 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 sub-section (2).

(4) Where a police officer exercises a power of entry under sub-section (2), that police officer shall immediately submit a written report to the police officer in charge of the police station where the incident occurred, and such report shall contain the following information—

- (a) the reasons for entering the premises without a warrant;
- (b) the offence or act of domestic violence or intimate partner violence 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.

31. Where an Order or an Interim Order is in force, a police officer may detain and arrest a person with or without a warrant where that police officer—

Powers of arrest where an Order or Interim Order is in force.

- (a) is satisfied, by way of complaint, that that person is in breach of the Order or Interim Order; or
- (b) believes on reasonable grounds that that person has committed or is committing a breach of the Order or Interim Order.

PART VI

Miscellaneous

32.—(1) Where a person is arrested under sections 30 or 31, the person shall be charged in accordance with the relevant provisions of the criminal law for committing or threatening to commit any of the offences listed in the Schedule I and shall be dealt with accordingly.

Existing criminal law to apply.

Schedule I.

(2) Where the offence is one over which the court hearing the domestic violence or intimate partner violence also has jurisdiction under the relevant criminal law to hear, the same court shall deal with the domestic violence or the intimate partner violence application.

(3) Where the applicant seeks to withdraw the application for a matter that alludes to one of the offences listed in Schedule I, the court shall, instead of striking out the matter, require a social inquiry report to be done identifying any risk to the applicant or other person in the home of an incident of harm, and shall determine whether the severity of the risk would warrant the application being amended to be brought by a police officer or a social worker attached to one of the departments of the Ministry responsible for human development in accordance with the provisions of this Act.

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

Admissibility of evidence of refractory witnesses.

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

(2) Sub-section (1) shall apply only where the statement contains a declaration by the maker and signed in the presence of a Judge, Magistrate, or a Justice of the Peace to the effect that it is true to the best of the knowledge and belief of the maker and that they made the statement knowing that if it were tendered in evidence, they would be liable to prosecution if they wilfully stated in it anything which they knew to be false or did not believe to be true.

Bail considerations, conditions, and victim protection measures.

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

- (a) the need to protect the applicant from domestic violence or intimate partner violence;
- (b) the welfare of a child where the defendant or victim of the alleged offence has custody of that child;
- (c) the welfare of any child being a member of the household;
- (d) any hardship that may be caused to the defendant or other members of the family if bail is not granted;
- (e) the defendant's record with regard to the commission of violent acts and whether there is evidence in the record of physical or emotional abuse to children; and
- (f) any other matters which may be relevant to the case in question.

(2) The court may, in granting bail under this section, order that the recognizance be subject to such of the following conditions as the court considers appropriate and which can, as far as practicable, be imposed taking into account the circumstances of each case—

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

(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 recognizance, the police officer may arrest the person without a warrant.

(4) When granting bail for an offence for which bail is applicable, the court shall ensure the appropriate safety measures for the victim are put in place, including granting an appropriate Protection Order and or an Occupation Order, Tenancy Order, or Maintenance Order for any relevant children with such conditions as the court thinks necessary.

35. An appeal shall lie—

Appeals.

- (a) to the High Court from any judgment or Order of the Magistrate’s Court made or given under this Act; and
- (b) to the Court of Appeal from any judgment or Order of the High Court made or given under this Act,

and the procedure in respect of any such appeal shall be as provided for in the Senior Courts Act.

Act No. 27 of 2022.

36. Pursuant to section 101 of the Senior Courts Act, Rules of Court may be made for the purpose of regulating the practice and procedure of the court in proceedings under this Act providing for such matters as are necessary for giving full effect to the provisions of this Act and for the due administration of this Act.

Rules of Court. Act No. 27 of 2022.

37.—(1) Whenever a police officer intervenes in a case of domestic violence or intimate partner violence, the police officer shall, as soon as possible, take all reasonable measures within the power of that police officer to prevent the victim of domestic violence or intimate partner violence from being abused again and shall also take the following steps—

Assistance to victims.

- (a) where a victim indicates that that victim has suffered injuries, though not visible, which require medical treatment, the police officer shall assist the victim to obtain medical treatment as soon as possible;
- (b) where a victim of domestic violence or intimate partner violence expresses concern for their safety, the police officer shall assist the victim in getting to a place of safety;
- (c) where a victim of domestic violence or intimate partner violence requests it, a police officer shall protect that victim by accompanying the victim to retrieve personal effects and or personal property from a place where the respondent may reside; and

- (d) advise the victim as to any rights and the services which may be available to assist that victim, including any government, private or non-governmental organisation provided services.

(2) A police officer who wilfully neglects their duty under this section commits an offence and is liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Responsibility of
the Ministry.

38. The Ministry responsible for human development shall be responsible for—

- (a) promoting and developing educational programs or activities for the prevention of domestic violence and intimate partner violence in conjunction with other government ministries and bodies, including—
 - (i) the Ministry responsible for health;
 - (ii) the Ministry responsible for education;
 - (iii) the Belize Police Department;
 - (iv) the Judiciary; and
 - (v) the Magistracy;
- (b) preparing and distributing educational posters, pamphlets and other information on domestic violence and intimate partner violence which shall be required to be displayed in the offices of all government agencies and other relevant public spaces;
- (c) ensuring that the educational programs or activities developed for the prevention of domestic violence and intimate partner violence are evidence based and designed to target the patterns and trends of such violence identified from Police, medical, court and social services data collection;
- (d) studying, investigating and publishing reports on domestic violence and intimate partner violence in Belize, its manifestations and scope as well as the consequences and the options for confronting and eradicating it, in collaboration with the Belize Police Department;

- (e) identifying groups and sectors in society in which domestic violence and intimate partner violence are manifested and educating these groups and sectors by making them aware of the skills required to combat domestic violence and intimate partner violence;
- (f) creating an awareness among society with regard to the needs of victims of domestic violence or intimate partner violence and their families;
- (g) developing strategies to encourage changes in the policies and procedures in government agencies in order to improve their response to the needs of the victims of domestic violence or intimate partner violence;
- (h) establishing programmes on information support and counselling services for victims of domestic violence or intimate partner violence;
- (i) encouraging the establishment of and supporting shelters for victims of domestic violence or intimate partner violence;
- (j) encouraging programmes of services for persons, including children and dependants who come from homes where there is abuse and violence;
- (k) providing training and orientation services for persons who assist in the treatment and counselling of victims of domestic violence and intimate partner violence;
- (l) analysing and carrying out studies on the need for education and retraining for persons who engage in conduct that constitutes domestic violence or intimate partner violence and where appropriate, for their rehabilitation; and
- (m) providing education and training for persons who engage in conduct that constitutes domestic violence or intimate partner violence for their rehabilitation at the Belize Central Prison or elsewhere.

39.—(1) The Ministry responsible for human development shall collaborate with the Ministry responsible for health, the Belize Police Department, the Judiciary and the Magistracy to establish standardised indicators for data collection on domestic violence and intimate partner violence from interventions and services provided by them for the preparation of reports under section 38(d).

Data collection.

(2) The Ministry responsible for human development, the Ministry responsible for health, the Belize Police Department, the Judiciary and the Magistracy shall develop such protocols for data sharing as shall be necessary to facilitate the data collection required in sub-section (1) from their various databases with due regard to protecting confidentiality.

(3) Such data collection shall be the basis for developing and instituting ongoing and periodic monitoring and evaluation to be led by the Ministry responsible for human development of all programmes, activities and services provided within the Gender-Based Violence National Referral Pathway to address domestic violence and intimate partner violence.

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

Restrictions on publication of reports of proceedings.

(2) Every person who contravenes sub-section (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars.

(3) Nothing in this section limits the—

- (a) provisions of any other enactment relating to the prohibition or regulation of the publication of reports or particulars relating to judicial proceedings; or
- (b) power of the court to punish any contempt of court.

(4) This section shall not apply to the publication of any report in any publication that is—

- (a) of a bona fide professional or technical nature; or
- (b) intended for circulation among members of the legal or medical professions, officers of the public service, psychologists, marriage counsellors or social welfare workers.

Ownership of property.

41. Nothing in this Act shall be deemed to have altered any right which a spouse may have to ownership of property.

Jurisdiction of the High Court.

42. Nothing in this Act shall be regarded as removing any jurisdiction which the High Court may have in respect of the matters referred to under this Act.

Standard of proof.

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

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

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

Orders by Consent.
Evidence in virtual hearings.
Act 21 of 2021.

45. Evidence given in any virtual hearing under this Act shall comply with the provisions of the Electronic Evidence Act.

46. The Minister may make Regulations for the better carrying out of the provisions of this Act and for prescribing anything that needs to be prescribed.

Regulations.

47. The Minister may from time to time, by Order published in the *Gazette*, amend any of the Schedules to this Act.

Amendment of Schedules.

48. The Domestic Violence Act is repealed.

Repeal.
CAP. 178.

49. Notwithstanding the repeal of the Domestic Violence Act, nothing in this Act shall affect anything done, any proceedings taken or a right of action which has accrued or a liability which has been incurred under the repealed Act before the coming into force of this Act and anything done, any proceedings taken or a right which has accrued or a liability which has been incurred under the repealed Act shall be deemed to have been done, taken, accrued or incurred, as the case may be under this Act.

Savings and transitional.

50. This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*.

Commencement.

SCHEDULE I
[Sections 2 and 32]

APPLICABLE CRIMINAL LAW UNDER THIS ACT

1. Assault and Battery
2. Assault upon children, women, and old, infirm or sickly persons
3. Aggravated assaults causing wound, harm or maim
4. Violent or obscene language or disturbance of the peace
5. Possession of weapons intended for a crime
6. Throwing stones or other missiles
7. Inciting animals to attack
8. Misuse of telephone and internet facilities and other telecommunications facilities
9. Cyber crimes
10. Setting fire to a dwelling house (arson)
11. Conspiracy to commit arson
12. Destroying or damaging a building with gunpowder or other explosives
13. Conspiring to commit murder
14. Murder or Attempted Murder
15. Sending letters through the post or internet threatening to murder
16. Shooting or wounding with intent to do grievous bodily harm
17. Inflicting injury with or without a weapon
18. Using, selling, offering for sale or otherwise dealing with any drugs
19. Administering poison so as to endanger life or inflict grievous bodily harm
20. Exposing children so that life is endangered
21. Cruelty to children

22. Rape or Attempted Rape
23. Sexual Assault
24. Procuring abortion
25. Manslaughter
26. Marital rape
27. Incest
28. Unlawful sexual intercourse
29. Serious indecency
30. Abduction or kidnapping
31. Trafficking in persons
32. Commercial sexual exploitation of children
33. Procuration
34. Threatening words

SCHEDULE II
[Section 13]

FORM 1

APPLICATION FOR ORDER/INTERIM ORDER

In the district of

I,.....
(Name of Applicant)

of.....
(Address)

hereby apply under section 13 of the Domestic and Intimate
Partner Violence (Prohibition) Act, for

.....
(Specify Orders /Interim Orders for which application is made)

against
(Name of Respondent)

Who is
(Specify relationship to named Respondent)

And who resides at.
(Specify address of Respondent)

In respect of the following conduct:
(Specify dates, times, place and details of conduct complained of.)

.....
Applicant

Dated this..... day of.....

Delete the inapplicable.

FORM 2
[Section 17(2)]

NOTICE OF PROCEEDINGS

In the district of.

.....

BETWEEN

.....Applicant

V

.....Respondent

TO THE RESPONDENT

An application under Section 13 of the Domestic and Intimate Partner Violence (Prohibition) Act, for.....has been made by.....

(Specify Orders sought)

(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..... (time) (place)

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

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

.....
Clerk or Registrar, as the case may be

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

FORM 3

[Section 20 (2) and Section 25(1)]

APPLICATION FOR VARIATION OR REVOCATION OF ORDER OR INTERIM ORDER

In the district of

BETWEEN

.....Applicant

V

.....Respondent.

I,.....hereby apply for a variation or revocation of the Order made against.....on (Name or person against whom the Order was made)

the.....day of....., by the.....Court (a copy of which is attached to the said application) in respect of certain conduct or threatened conduct towards..... (Name of person who is protected by an Order)

I ask for a revocation/variation of the Order in the following terms: (Specify details of variation)

..... Applicant

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

FORM 4
[Section 5(4)]

ORDER OR INTERIM ORDER

In the district of

The Court having heard an application made by.....
(Name of Applicant)

in respect of the conduct or threatened conduct of.....
(Name of Respondent)

Towards.....
(Name of Person to be protected)

NOW THIS COURT ORDERS, that for the period from the
.....day of., 20.....to the.....day
of 20..... YOU.....
(Name of Respondent)

The within-named respondent shall not engage in the following conduct, and you the within-named respondent shall comply with the following prohibitions and conditions:

Specify prohibitions and conditions imposed and any period or periods for which they may be imposed (if different from the period of the Order/Interim Order).

AND THIS COURT FURTHER ORDERS that
you.....shall not
(Name of Respondent)

engage in any conduct that constitutes an offence under this Act.

If the said..... fail to comply with any of the terms of this Order you shall be liable to imprisonment and/or a fine pursuant to section 26 of the Act.

.....
Clerk or Registrar, as the case may be

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

FORM 5
[section 12(5)(a)]

INTERIM PROTECTION ORDER

In the district of

.....having heard an application
(Name of Select Senior Justice of the Peace)

made by..... in respect of the conduct or
(Name of Applicant)

threatened conduct of
(Name of Respondent)

Towards
(name of person to be protected)

NOW IT IS ORDERED, that for the period from the.....day of.

....., 20..... to the.....day
of

....., 20.....

YOU.....
(Name of Respondent)*

(The within-named respondent)* shall not engage in the following conduct, and
you the within named respondent shall comply with the following
prohibitions and conditions:

*Specify prohibitions and conditions imposed and any period or periods for which they may be
imposed (if different from the period of the Order/Interim Order).*

AND IT IS FURTHER ORDERED that
you.....shall not
engage in
(Name of Respondent)

any conduct that constitutes an offence under this Act.

If the said.....fails to comply with any
of
(Name of Respondent)

the terms of this Order you shall be liable to imprisonment and/or a
fine pursuant to section 24 of the Act.

.....
Select Senior Justice of the
Peace

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

Place of sitting:.....”

FORM 6
[Section 22]

ORDER VARYING ORDER OR INTERIM ORDER

In the district of.....

The Court, having heard an application made under section 13
of the Act by
(Name of Applicant)

in respect of the conduct or threatened conduct oftowards
(Name of Respondent)

.....
(Name of person protected by the Order)

and the Court having on the.....day of.....,20.....
made an Order, a copy of which is attached, prohibiting the
Respondent from engaging in the conduct specified therein.
NOW the Court on the application of.....does
this day Order that the Order or Interim Protection Order be
either:

1. REVOKED

.....
(Specify effective date of revocation)

2. VARIED AS FOLLOWS

(Specify details of variation)

.....
.....

.....
Clerk or Registrar, as the case may be

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

FORM 7
[Section 28(1)]

**DOMESTIC AND INTIMATE PARTNER VIOLENCE POLICE
REPORT**

STATION.....DIVISION.....Reference No.....

Complaint made by.

Surname *First Name*

Address.....

Relationship to Victim/Offender.....Telephone No.....

Mode of Report.....

Telephone	Personal	Referred (Specify by whom)	Other (Specify)
------------------	-----------------	---	----------------------------

Date.....Time.....Diary Reference.....

Recorded by (Number Rank/Name).....

Recorded by: (Number/Rank/Name).....

Name of Victim.....

Surname *First Name*

Ethnic Origin.....Religion.....

East Indian	African	Caucasian	Mixed	Other (Specify)
------------------------	----------------	------------------	--------------	----------------------------

Address.....

Telephone No.....Marital Status.....

Relationship to Offender.....

Sex.....Age.....Occupation.....

Address of Employment.....

Name of Offender

.....

Surname

First Name

Ethnic Origin..... Religion.....

East Indian	African	Caucasian	Mixed	Other (Specify)

Address.....

Sex.....Age.....Marital Status.....

Telephone No.....Occupation.....

Address of Employment.....

Relationship to Victim /Offender.....

Relationship to Victim/Offender.....

BRIEF FACTS AS REPORTED

.....

Extent of Injury.

Medical Report Form Attached (tick)

Yes No

Instrument used to inflict Injury.....

Whereabouts of Children at the 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 (P.O.) in existence? (tick) Yes No

Date of Issue.

Comments.....

.....

Duration (P.O.).....Court of Issue.....

ACTION TAKEN ON THIS REPORT.

Date/Time Action taken, by whom

.....

.....

.....

.....

Arrest Made:

Date of Arrest.....Mode of Arrest.....

Present status of report.

Preferred Charges,

(1).....

(2).....

(3).....

(4).....

(State reason(s) if no charges preferred)

.....

.....

.....

Agency to which report referred/follow up action

.....

.....

.....
Investigator

.....
Supervising Officer
(Rank of Inspector and above)

.....
Date

.....
Date

FORM 8
[Sections 8(4), 11(6), 17(5)]

AFFIDAVIT FOR USE IN PROVING SERVICE OF PROCESS

No.....
Return of Service of process in respect of domestic or intimate
partner violence offence for the.....
..... Court.....

Table with 6 columns: Name of Applicant, Name of Respondent, Document served, Date of Service, Plan 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.

(Signed).....
(Deponent)

Sworn before me by the above-named Deponent this.....day
of....., 20.....

.....
Magistrate/Judge/Clerk/Registrar

(as the case may be)

SCHEDULE III
[Section 27(4) and (9)]

**INFORMATION ON RIGHTS OF VICTIMS AND APPLICANTS TO
BE RELAYED BY POLICE OFFICERS**

“You have the right to request the assistance of a police officer in order to protect yourself and your children, you may apply to the Court for a Protection Order, and I am obliged to provide you with information on how to obtain a Protection Order. You may also request my assistance or that of another police officer 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. If you or your children are in need of medical treatment, you have the right to request that I or another police officer assist you in obtaining such medical treatment.

A Protection Order can be obtained from the Court at any time of the day or night and will be served on the respondent free of charge. You may request that your address not be disclosed to the respondent. The respondent can be ordered to pay emergency monetary relief and any or all contact with you or your children may be prohibited. You may also request the Court to convict the respondent or prohibit the respondent 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. If you and your children require any counselling or support, you should contact the Department of Social Services who can offer services to you and your children. You also have the right to lodge a criminal complaint against your respondent if a criminal offence has been committed against yourself and your children. You may do this now, or at any time in the future.

Should you obtain a Protection Order, or lodge a criminal complaint, in which false facts or lies are knowingly alleged, you may be convicted of an offence. If you do not understand any of the above information, you may ask for more information or ask to speak with another officer with whom you may be more comfortable”.