

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

BR 60/1997

MAGISTRATES ACT 1948

1948 : 25

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

ARRANGEMENT OF RULES

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

Magistrates, in exercise of the power conferred on them by section 21 of the Magistrates Act 1948 and the Stalking Act 1997, and with the approval of the Chief Justice, make the following Rules:—

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;

"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 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

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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

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(name of person) _____, the respondent, of (address) _____, on behalf of (name of person) _____, the complainant, who is—

- *(a) a child;
- *(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—

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Magistrates' Court sitting in the Government Administration Building, to answer the following—

(give short particulars of the complaint).

4. If you do not appear in person at the hearing of the application, the Court may—

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

Issued this day of .

Clerk to the Magistrates' Court

(Respondent's Copy)

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

Bailiff

(Court copy)

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

Dated this day of .

Bailiff

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Form STALK 4

Case No. of

BERMUDA

IN THE MAGISTRATES' COURT

Sections 9(2)(a) and 10 of the Stalking Act 1997

*PROTECTION ORDER OR *TEMPORARY ORDER

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

The Court, having heard an application made by (name of complainant) _____, of (address for service) _____, under the 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

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* (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).

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

(give particulars).

*Complainant/*Representative

Taken before me this day of 19 .

Clerk to the Magistrates Court

*(delete where inapplicable)

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Form STALK 6

Case No. of

BERMUDA

IN THE MAGISTRATES' COURT

Section 9(2)(a) of the Stalking Act 1997

ORDER VARYING *PROTECTION ORDER OR *TEMPORARY ORDER

Between

A.B. Complainant

and

C.D. Respondent

The Court, having heard an application made by (name of person) _____, the complainant, of (address for service) _____, under the Act in respect of the conduct of (name of person) _____, the respondent, of (address) _____, towards (name of person to be protected) _____, and having on (date of original order) made a protection order in respect of the respondent for (period) this day orders that the protection order or temporary order be—

* (a) varied as follows—
(specify details of variation); or

* (b) revoked.

Dated this day of .

Magistrate

*(delete where inapplicable).

Made this day of .

Senior Magistrate
on behalf of the Magistrates

