

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

BR 59/1997

MAGISTRATES ACT 1948

1948 : 25

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

ARRANGEMENT OF RULES

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

The Magistrates, in exercise of the power conferred on them by section 21 of the Magistrates Act 1948 and the Domestic Violence (Protection Orders) 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 (Domestic Violence Protection Orders Proceedings Prescribed Forms) Rules 1997.

Interpretation

2 In these Rules—

"the Act" means the Domestic Violence (Protection Orders) Act 1997;

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

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

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

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

"Court" means a court of summary jurisdiction;

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

Prescription of forms

3 The respective forms required by the Domestic Violence (Protection Orders) Act 1997 are those respectively prescribed in the Table set out below.

Forms

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

Commencement

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

TABLE

(rule 3)

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

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

SCHEDULE

(rule 4)

Form DVPO 1

Case No. of

BERMUDA

IN MAGISTRATES' COURT

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

APPLICATION FOR *PROTECTION ORDER or *TEMPORARY ORDER

(where the person making the application is a complainant)

Between

A.B.

Complainant

and

C.D.

Respondent

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

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

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

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

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

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

- (d) the respondent's conduct complained of is serious; and
- (e) I am in fear of repetition of that conduct being directed to me; and
- (f) a temporary order is needed for my protection.

4. I would like the Court to order that the respondent—
(give particulars).

Complainant

Dated this _____ day of _____ .

Magistrate

*(delete where inapplicable)

Form DVPO 2 Case No. _____ of

BERMUDA

IN THE MAGISTRATES' COURT

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

APPLICATION FOR *PROTECTION ORDER OR *TEMPORARY ORDER

(where the person is making the application on behalf of a complainant)

Between

A.B. _____ Complainant

and

C.D. _____ Respondent

1. I, _____, of (address) _____, being a person who is a representative appointed by the Court pursuant to section 6 and whichever of sections 7 to 9 of the Act applies, hereby apply for a *protection order or *temporary order against (name of person) _____, the respondent, of (address) _____, on behalf of (name of person) _____,

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

the complainant, of (address for service) _____ who *is or *has been in a domestic relationship with the respondent (specify relationship) and 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 for a protection order are that—

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

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

- (a) notice in the prescribed form of the application for an order has not been given to the respondent and he has not therefore been given the opportunity to oppose, or otherwise make representations in relation to the making of the order; however
- (b) the respondent *is using or *has used domestic violence against the complainant (give details if known, and date(s) on which events occurred); and
- (c) *undue hardship or *the risk of harm would be caused to the complainant if an order were not made; and
- (d) the respondent's conduct complained of is serious; and
- (e) the complainant is in fear of repetition of that conduct being directed to him; and
- (f) the making of a temporary order is necessary for the complainant's protection.

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

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

(give particulars).

Representative

Dated this day of .

Magistrate

*(delete where inapplicable)

Form DVPO 3

Case No. of

BERMUDA

IN THE MAGISTRATES' COURT

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

NOTICE OF HEARING AND SUMMONS

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

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

2. A copy of the application is attached.

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

(give short particulars of the complaint).

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

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

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

Form DVPO 4

Case No. of

BERMUDA

IN THE MAGISTRATES' COURT

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

*PROTECTION ORDER or *TEMPORARY ORDER

Between

A.B. Complainant

and

C.D. Respondent

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

being satisfied that the respondent—

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

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

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

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

Dated this day of .

Magistrate

Form DVPO 5

Case No. of

BERMUDA

IN THE MAGISTRATES' COURT

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

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

Between

A.B.

Complainant

and

C.D.

Respondent

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

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

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

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

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

(specify grounds).

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

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

(give particulars).

*Complainant/*Representative

Taken before me this day of 19 .

Clerk to the Magistrates' Court

*(delete where inapplicable)

Form DVPO 6

Case No. of

BERMUDA

IN THE MAGISTRATES' COURT

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

ORDER VARYING *PROTECTION ORDER OR *TEMPORARY ORDER

Between

A.B.

Complainant

and

C.D.

Respondent

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

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

Dated this day of .

Magistrate

*(delete where inapplicable).

Made this day of .

Senior Magistrate
on behalf of the Magistrates

Approved this day of .

Chief Justice