



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$11.80

WINDHOEK - 17 November 2003

No.3094

CONTENTS

Page

GOVERNMENT NOTICES

No. 234 Commencement of the Combating of Domestic Violence Act, 2003 (Act No. 4 of 2003) ... 1

No. 235 Combating of Domestic Violence Act, 2003: Regulations relating to the Combating of Domestic Violence 1

Government Notices

MINISTRY OF JUSTICE

No. 234 2003

COMMENCEMENT OF THE COMBATING OF DOMESTIC VIOLENCE ACT, 2003 (ACT NO. 4 OF 2003)

In terms of section 34 of the Combating of Domestic Violence Act, 2003 (Act No. 4 of 2003), I hereby determine that the said Act will come into operation on the 17th November 2003.

A. KAWANA
MINISTER OF JUSTICE

Windhoek, 7 November 2003

MINISTRY OF JUSTICE

No. 235 2003

COMBATING OF DOMESTIC VIOLENCE ACT, 2003: REGULATIONS RELATING TO THE COMBATING OF DOMESTIC VIOLENCE

The Minister has, in terms of section 32 of the Combating of Domestic Violence Act, 2003 made the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations a word or expression to which a meaning has been given in the Act bears that meaning and, unless the context indicates otherwise -

“the Act” means the Combating of Domestic Violence Act, 2003 (Act No. 4 of 2003); and

“signature” includes writing a person’s name on a document or placing a person’s mark or thumb print on a document.

Manner of application for a protection order

2. (1) A person who makes an application for a protection order as contemplated in section 6(1) of the Act must make the application on a form corresponding substantially to Form I of the Annexure.

(2) Where an application is brought on behalf of a complainant by another person as contemplated in section 4 of the Act, the application must set out or contain -

- (a) the basis for the applicant’s interest in the well being of the complainant; and
- (b) the written consent of the complainant, or the grounds for dispensing with such consent as contemplated in section 4(4) of the Act.

(3) The written consent to be given by the complainant as contemplated in section 4 of the Act must be in the form substantially corresponding to Form 2.

(4) Where an applicant for a protection order requests a no-contact provision in respect of a person other than the complainant, a child or other person in the care of the complainant as provided as contemplated in section 14(2)(b) of the Act, consent of that person, or where that person is a child, the consent of a parent or person in whose care that child is to the proposed no-contact provision must be attached to the application in the form substantially corresponding to Form 3.

(5) An application for a protection order must be dealt with as a matter of urgency and the court may sit after ordinary court hours and on days which are normally not considered as court days to hear such applications if the need arises.

Notice to attend enquiry

3. The notice to attend an enquiry as contemplated in section 11(1) must be in a form substantially corresponding to Form 4.

Procedure for enquiry

4. (1) Where it considers it appropriate in the interests of the moral welfare or safety of the applicant, the court may order that the public or press be excluded from a domestic violence enquiry.

(2) A court holding an enquiry must administer an oath to, or accept an affirmation from any witness appearing before it and record the evidence of that witness.

(3) The enquiry referred to in subregulation (1) must be held in the presence of the respondent or in his or her absence, on production of proof that the respondent was served with the notice referred to in regulation 3.

(4) Unless otherwise provided for in the Act or in these regulations, proceedings at an enquiry must be conducted in accordance with practice and procedure followed in civil proceedings in the magistrates courts in Namibia.

(5) The court may, when conducting an enquiry, depart from any strict rule of practice or procedure as contemplated in subregulation (4), if the court considers that departure from that practice or procedure would ensure that substantial justice is achieved between the parties to the enquiry.

(6) The court must, where both or one of the parties are not represented, assist such parties in the quest to ensure that substantial justice is achieved and may use its discretion to ensure that the inquiry is held in a relaxed atmosphere where the parties can express themselves freely.

(7) The court holding an inquiry must play an active role in the proceedings and may at any time during the inquiry cause any person to be summoned as a witness or examine any person who is present at the inquiry, although that person was not summoned as a witness, and may recall and re-examine any person already examined, in an objective attempt to determine the facts in a manner that is aimed at ensuring that substantial justice is achieved between the parties.

(8) The court holding an inquiry must keep record of the proceedings or cause the proceedings to be recorded in full be it in shorthand or by mechanical means by a person directed by the presiding officer to do so.

(9) Notwithstanding anything contained in any other law, the following evidence is admissible at an enquiry -

- (a) previous convictions as far as it pertains to acts of violence be it domestic or otherwise;
- (b) records of previous protection orders refused or granted against any of the parties;
- (c) reports of acts of domestic violence reported to the police;
- (d) formal warnings issued by the police; or
- (e) variations or cancellation of protection orders.

(10) At the inquiry, a statement in writing by any person, other than one of the parties, is admissible as evidence to the same extent as oral evidence to the same effect by the person concerned, but, a copy of the statement must, at least 14 days before the date on which the statement is to be submitted as evidence, be served on the other party and he or she may at least seven days before the commencement of the inquiry, object to the statement.

(11) Where a party wishes to arrange to summon witnesses through the court, the clerk of the court must assist such person to identify and summon such witnesses where the court considers it necessary, it may however limit the number of persons to be called as witnesses.

(12) If a person -

- (a) objects to the production of a statement as contemplated in subregulation (10), the court must inquire into the reasons for such objection and after doing so give a ruling as to whether such statement is admissible as evidence or not; or
- (b) does not object, the statement contemplated in subregulation (10) may on its production at the inquiry be admitted as evidence in the inquiry.

Service of documents

5. (1) Service of any documents which are required to be served under the Act or these regulations must, subject to subregulation (2), be served by a member of the Namibian Police as part of that member's duties under section 26 of the Act.

(2) Subject to any guidelines made under section 26(1), the Station Commander of the relevant police station must ensure that reasonable efforts are made by a member of the police to serve the documents as provided in subregulation (1) within 5 days of receiving them from the clerk of the court.

(3) Where documents cannot be served by the police as contemplated in subregulation (1), service must be effected without delay by the clerk of the court by -

- (a) handing or presenting a certified copy of the document to the person on whom the document is to be served;
- (b) sending a certified copy of the document to that person by registered mail and endorsing the original document to this effect; or
- (c) directing the messenger of the court to forthwith serve the document on the person to be served by delivering a certified copy of the document in any one of the following manners -
 - (i) handing or presenting it to that person personally;
 - (ii) handing or presenting it at that person's residence or place of business to a person apparently not less than 16 years of age residing or employed there; or
 - (iii) handing or presenting it at that person's place of employment to a person apparently not less than 16 years of age and apparently in authority over that person or in the absence of such a person in authority, to a person apparently not less than 16 years of age and apparently in charge at that person's place of employment.

(3) Where the person on whom a document is to be served keeps his or her residence, place of business or place of employment closed and thereby prevents the messenger of the court from serving the document in the manner described in subregulation (2), the messenger of court must effect service of the document by affixing it to the outer or principal door or security gate of such residence, place of business or place of employment.

(4) Subject to section 20 of the Act, any costs which are incurred when service of documents is effected by the messenger of court must be borne by the State.

(5) Any matter relating to the service of documents not provided for in the Act or in these regulations must be carried out in the same manner in which service of court process is carried out in the magistrates court.

(6) For the purposes of this regulation "residence" means, where the building is occupied by more than one person or family, that portion of the building occupied by the person on whom service is to be effected.

Interim protection order

6. An interim protection order made in terms of section 8 of the Act must be in a form substantially corresponding to Form 5.

Notice to oppose

7. A notice of an intention to oppose on the part of the respondent as contemplated in section 11 of the Act must be in a form substantially corresponding to Form 6.

Postponement of enquiry

8. If an enquiry held in terms of section 12 of the Act is postponed in the absence of one of the parties, notice of the new court date must be prepared in a form substantially corresponding to Form 7 and served on the absent party in the manner prescribed in Regulation 5.

Notice upon non-attendance by complainant at enquiry

9. (1) If an applicant fails to appear at an enquiry under the circumstances set out in section 12(15) of the Act, notice to the station commander of the police station named in the application to enquire into the reasons for such non-appearance must be made in a form substantially corresponding to Form 8A.

(2) The report of the station commander to the notice referred to in subregulation (1) must be in a form substantially corresponding to Form 8B and that notice forms part of the official record of the proceedings.

(3) If the court, on consideration of the response of the station commander, is satisfied that the non-appearance of the applicant was due to intimidation of the applicant or to a fear of harm on the part of the applicant, the court must set a new date for the enquiry and make an order for such police protection as will be sufficient to enable the safe attendance of the complainant on court date.

Final protection order

10. A final protection order contemplated in section 13(1) of the Act, whether or not it is preceded by an interim protection order, or an order for the modification or cancellation of a protection order as contemplated in section 17 of the Act, must be in a form substantially corresponding to Form 9A, accompanied by Form 9B where appropriate.

Application for modification or cancellation of protection orders

11. (1) An application for the modification or cancellation of a protection order in terms of section 17 of the Act must be in a form substantially corresponding to Form 10A.

(2) Where the court has granted the application contemplated in subregulation (1) notice must be given to the other party and that notice must be in a form substantially corresponding to form 10B of the annexure.

Formal warning

12. (1) A formal warning as contemplated in section 23(1)(b) of the Act must be in a form substantially corresponding to Form 11.

(2) Whenever a formal warning is issued in terms of section 23(1)(b) of the Act, the station commander of the police station in question must place a copy of the warning on file at that police station and must forthwith transmit a copy of the formal warning to the Office of the Prosecutor-General either by hand or by post.

(3) The Prosecutor-General must cause all formal warnings received in terms of these Regulations to be filed in a register kept for such purposes.

(4) Any person who fails to comply with a warning issued in accordance with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$ 2000 or to imprisonment for a period not exceeding six months.

Notice of court proceedings on bail or sentencing

13. (1) Notice to the complainant of proceedings for sentencing as contemplated in section 25(1) of the Act, or for bail as contemplated in section 60A of the Criminal Procedure Act, 1977(Act No. 51 of 1977) must be in a form substantially corresponding to Form 12.

(2) If the bail proceedings contemplated in subregulation (1) are postponed in the absence of the complainant, the complainant must be notified of the new date in a form substantially corresponding to Form 12.

(3) If bail is granted to the accused in the absence of the complainant, the complainant must be notified of the fact that bail was granted, and of any bail conditions, in a form substantially corresponding to Form 13.

(4) All notices in terms of this regulation must be served on the complainant in the manner prescribed in Regulation 5.

Record of domestic violence incidents

14. Records of domestic violence incidents as contemplated in section 27 of the Act must be kept in a form substantially corresponding to Form 14.

Fees

15. Fees in terms of section 29(1) of the Act must be the same as those prescribed in Rule 34 of the Magistrates Court Rules of Court promulgated by Government Notice No. R1108 of 21 June 1968.

Procedure for speedy hearing of domestic violence offences

16. (1) In pursuance of the speedy hearing, verdict and sentencing of domestic violence offences as contemplated in section 32(1)(d), the prosecutor must, as a matter of priority, place a criminal case involving any domestic violence offence on the court roll as soon as it is received.

(2) Where a postponement in a criminal case concerning a domestic violence offence is granted at the request of the accused, the court may remand the defendant in custody until the new court date regardless of whether or not the accused was previously in custody or out on bail as long as -

- (a) there is a *prima facie* evidence that a domestic violence offence has been committed; and
- (b) the court is satisfied that the victim of the alleged offence may be at risk if defendant is not confined until the conclusion of the case.

(3) If a postponement is granted for any reason in a case involving a domestic violence offence, the prosecutor must re-schedule the case on the court roll in order to ensure that the case is heard as a matter of priority.

Short title

17. These regulations shall be called the Domestic Violence Regulations.

**FORM 1 –
(Regulation 2)
APPLICATION FOR PROTECTION ORDER
Section 6(1) of the Combating of Domestic Violence Act, 2003**

DEFINITIONS

COMPLAINANT = the victim of the domestic violence (even if someone else applies for the protection order)

RESPONDENT = the person who committed the domestic violence

If the directions say to mark a question with a **TICK**, you can use a mark that looks like $\sqrt{\quad}$ or **X**.

DOMESTIC VIOLENCE

Domestic violence includes the following acts. It can also include acts which are not listed.

PHYSICAL ABUSE

- physical assault or any use of physical force against the complainant;
- forcibly confining or detaining the complainant;
- physically depriving the complainant of access to food, water, clothing, shelter or rest.

SEXUAL ABUSE

- forcing the complainant to engage in any sexual contact;
- engaging in any sexual conduct that abuses, humiliates or degrades or otherwise violates the sexual integrity of the complainant;
- exposing the complainant to sexual material which humiliates, degrades or violates the complainant's sexual integrity;
- engaging in such contact or conduct with another person with whom the complainant has emotional ties.

ECONOMIC ABUSE

- the unreasonable deprivation of any economic or financial resources to which the complainant, (or a dependant of the complainant) is entitled under any law, requires out of necessity or has a reasonable expectation of use - including household necessities, and mortgage bond repayments or rent payments in respect of a shared household;
- unreasonably disposing of moveable or immovable property in which the complainant (or a dependant of the complainant) has an interest or a reasonable expectation of use;
- destroying or damaging property in which the complainant (or a dependant of the complainant) has an interest, a reasonable expectation of use;
- hiding or hindering the use of property in which the complainant (or a dependant of the complainant) has an interest or a reasonable expectation of use.

INTIMIDATION, which means intentionally inducing fear in the complainant (or a family member or dependant of the complainant) by -

- committing physical abuse against a family member or dependant of the complainant;
- threatening to physically abuse the complainant, or a family member or dependant of the complainant;
- exhibiting a weapon;
- any other menacing behaviour, including sending, delivering or causing to be delivered an item which implies menacing behaviour.

HARASSMENT, which means repeatedly following, pursuing or accosting the complainant (or a family member or dependant of the complainant), or making persistent unwelcome communications – such as -

- watching, or loitering outside or near the building or place where such person resides, works, carries on business studies or happens to be;
- repeatedly making telephone calls or inducing a third person to make telephone calls to such person, whether or not conversation ensues; or repeatedly sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects or messages to such person's residence, school or workplace.

TRESPASS, which means entering the residence or property of the complainant, without the express or implied consent of the complainant, where the persons in question do not share the same residence.

EMOTIONAL, VERBAL OR PSYCHOLOGICAL ABUSE, which means a pattern of degrading or humiliating conduct towards a complainant (or a family member or dependant of the complainant) including-

- repeated insults, ridicule or name calling;
- causing emotional pain;
- the repeated exhibition of obsessive possessiveness or jealousy, which is such as to constitute a serious invasion of the complainant's, or the complainant's dependant or family member's privacy, liberty, integrity or security.

THREATS or ATTEMPTS to do any of these acts.

PSYCHOLOGICAL ABUSE OF A CHILD includes a situation where someone other than a victim of domestic violence -

- repeatedly causes or allows a child to see or hear the physical, sexual, or psychological abuse of a person with whom that child has a domestic relationship;
- repeatedly puts a child at risk of seeing or hearing such abuse ;
- repeatedly allows a child to be put at risk of seeing or hearing such abuse.

In some cases, a SINGLE ACT can amount to domestic violence. A number of acts that form part of a PATTERN of behaviour may amount to domestic violence even though some or all of those acts, when viewed in isolation, may appear to be minor or trivial.

DOMESTIC RELATIONSHIPS

Domestic relationships include only the following relationships.

MARRIAGE: a male and female who are or were married to each other in a marriage according to any law, custom or religion, or who are or were engaged to be so married.

LIVING TOGETHER AS HUSBAND AND WIFE: a male and female who are living or have lived together in a relationship in the nature of marriage, although they are not, or were not, married to each other.

HAVING A CHILD TOGETHER: a male and female who have, have had or are expecting a child together - excluding situations where the child is conceived as a result of rape or where the parties contributed ova or sperm for an assisted reproduction technique but have no other relationship.

PARENT AND CHILD, whether biological or adoptive.

FAMILY MEMBERS

- people related by blood, marriage or adoption;
- people who are standing in the place of family members because of foster arrangements;
- people who would be family members related by marriage if a man and a woman who are living together as husband and wife had been formally married .

BUT ONLY IF THEY HAVE SOME CONNECTION OF A DOMESTIC NATURE, such as the sharing of a residence or one of them being financially or otherwise dependant on the other.

BOYFRIEND/GIRLFRIEND: a male and female who are or were in an actual or a perceived intimate or romantic relationship.

A “domestic relationship” based on a past relationship (such as marriage or a romantic relationship which is now over) is considered to continue for at least one year after the relationship has come to an end. Where a child is born to any couple, their “domestic relationship” continues throughout the lifetime of that child and for one year after the death of the child. The court can extend these time periods if there are good reasons to do so.

SECTION A. PARTICULARS OF COMPLAINANT (the victim of the domestic violence)**IF THE APPLICATION IS BEING MADE BY SOMEONE OTHER THAN THE VICTIM OF THE DOMESTIC VIOLENCE, THIS SECTION MUST STILL GIVE DETAILS ABOUT THE VICTIM.**

1. Surname	
2. Full first names	
3. Sex	..... male female
4. Date of birth	
5. ID number (if available)	
6. Normal home address	
7. Home telephone number	
8. What is the telephone number of the place you (the victim)are staying now?	
9. Occupation	
10. Employer	
11. Work address	
12. Work telephone number	
13. What is the best address and telephone number to use to get in touch with you (the victim)? Give the number of a friend or relative or some other contact if this will be helpful.	

14. What is your relationship (the victim's relationship) to the person who has committed the domestic violence?

I (the victim) has (or am expecting) a child by the respondent.

..... yes

..... no

I (the victim) am the of the person who has committed the violence. (girlfriend/boyfriend, wife/husband, ex-wife/ex-husband, sister/brother, mother/father, etc)

If the relationship is based on a marriage, engagement or romantic relationship which no longer exists, give the date (or approximate date) on which the relationship came to an end:

If you (the victim) are a family member of the person who has committed the violence (such as aunt/uncle, niece/nephew, grandparent/grandchild, or cousin), explain what other connections exist between you and the abuser (sharing the same residence, financial support, etc):

15. Do you (the victim) currently share a residence with the respondent (the person who committed the domestic violence)? If you (the victim) have temporarily moved somewhere else for safety, this does not change your normal place of residence.

..... no

..... yes

If yes, state how long the residence has been shared:

If yes, explain who else lives in the residence:

.....

16. Did you (the victim) previously share a residence with the respondent (the person who committed the domestic violence)?

..... no

..... yes

If yes, provide the approximate dates that you (the victim) shared a residence with the person who committed the domestic violence:

SECTION B. PARTICULARS OF PERSON MAKING THE APPLICATION ON BEHALF OF THE COMPLAINANT (if applicable)

COMPLETE THIS SECTION ONLY IF THE VICTIM OF DOMESTIC VIOLENCE IS NOT THE SAME PERSON WHO IS MAKING THE APPLICATION. FILL IN THE DETAILS OF THE PERSON MAKING THE APPLICATION IN THIS SECTION.

IF THE VICTIM OF THE DOMESTIC VIOLENCE IS THE SAME PERSON WHO IS MAKING THE APPLICATION, THEN SKIP SECTION B AND GO ON TO SECTION C.

1. Surname	
2. Full first names	
3. Date of birth	
4. Sex	..... male female
5. ID number (if available)	
6. Home address	
7. Home telephone number	
8. Occupation	
9. Employer	
10. Work address	
11. Work telephone number	
12. Capacity in which application is made family member (your relationship to complainant): police officer social worker health care provider teacher traditional leader religious leader other (specify:	
13. Why are you bringing the application on behalf of the complainant?	

14. Do you have written consent from the complainant to bring the application?

..... **Written consent is attached.**

..... **Written consent is not necessary because the complaint is:**
(Tick appropriate reason and explain as indicated)

..... **a minor**
The complainant is aged.....

..... **mentally incapacitated**
Explain nature of mental condition:

..... **unconscious**
Explain briefly:

..... **regularly under the influence of alcohol or drugs**
Describe the complainant's condition:

..... **at risk of serious physical harm**
Explain briefly:

SECTION C. PARTICULARS OF RESPONDENT (the person who committed the act of domestic violence)

1. Surname	
2. Full first names	
3. Sex	..... male female
4. Date of birth (if known)	
5. ID number (if known)	
6. Home address	
7. Home telephone number	
8. Occupation	
9. Employer	
10. Work address	
11. Work telephone number	
12. Other contact details for respondent	

SECTION D. INFORMATION ABOUT THE ACTS OF DOMESTIC VIOLENCE

IT IS EXTREMELY IMPORTANT THAT YOU GIVE AS MUCH DETAILS AS POSSIBLE IN THIS SECTION.

I, OF
NAME ADDRESS

DECLARE UNDER OATH THAT THE FOLLOWING IS TRUE AND CORRECT:

a) THE MOST RECENT INCIDENT OF ABUSE

1. Date of the most recent incident of abuse:		..... date	..... month	..... year
2. Details of the most recent incident of abuse:				
3. Was a weapon used?				
..... no				
..... yes describe weapon:				
4. Were you (the victim) physically injured?				
..... no				
..... yes give details:				
5. Did you (the victim) see a doctor or a nurse or other health practitioner				
..... no				
..... yes give details:				
date:				
name of doctor or nurse or health practitioner (if known):				
name of hospital or clinic or health facility:				
what treatment did you (the victim) get?				

6. Did anyone else see or hear this incident of abuse?

..... no

..... yes

name:

contact details of this person:

7. Did any children see or hear this incident of abuse?

..... no

..... yes

names:

ages:

give details:

b) THE HISTORY OF ABUSE (PREVIOUS INCIDENTS)**1. How long has the abuse been happening?:****2. When was the first incident of abuse?**
(if you can remember).....
date.....
month.....
year**3. What kind of abuse has happened in the past?****4. Has the abuse been happening more often lately?**

..... no

..... yes
explain:**5. Has the abuse become more severe lately?**

..... no

..... yes
explain:**6. Does the respondent (the person who commits the abuse) own a weapon?**

..... no

..... yes
what kind of weapon?.....

7. Has the respondent used or threatened to use a weapon against you (the victim) in the past?

..... no

..... yes

explain:

8. Have you (the victim) ever been physically injured by past abuse?

..... no

..... yes

give details:.....

9. Did you (the victim) see a doctor or a nurse or other health practitioner because of the abuse in the past?

..... no

..... yes

give details:

date(s):

name of doctor or nurse or health practitioner (if known):

name of hospital or clinic or other health facility:

what treatment did you get?

10. Has anyone else seen or heard any past incidents of abuse?

..... no

..... yes

name:

contact details of this person:

11. Did any children see or hear past incidents of abuse?

..... no

..... yes

names:

ages:

give details:

12. How has the abuse affected you (the victim)?

(examples: stress, missing work or school or losing a job, health problems, depression, etc)

13. Has the respondent (the person who is committing the abuse) ever been convicted of any crime?

..... not to the best of my knowledge

..... no

..... yes

give details (crime and date of conviction if known):

14. Does the respondent (the person who is committing the abuse) use or abuse alcohol or drugs?

..... not to the best of my knowledge

..... yes

..... No

..... alcohol

..... drugs

.....alcohol and drugs

give details:

15. Has the respondent (the person who is committing the abuse) made threats against you (the victim) or anyone else?

..... not to the best of my knowledge

..... yes

..... No

give details:

16. List other people who are being affected by the violence:**Name:**

Age:

Relationship to you (the victim):

How this person is being affected?

Does this person live with you (the victim)? yes

..... no

Name:

Age:

Relationship to you (the victim):

How this person is being affected?

Does this person live with you (the victim)? yes

..... no

Name:

Age:

Relationship to you (the victim):

How this person is being affected?

Does this person live with you (the victim)? yes

..... no

Name:

Age:

Relationship to you (the victim):

How this person is being affected?

Does this person live with you (the victim)? yes

..... no

Name:

Age:

Relationship to you (the victim):

How this person is being affected?

Does this person live with you (the victim)? yes

..... no

Name:

Age:

Relationship to you (the victim):

How this person is being affected?

Does this person live with you (the victim)? yes

..... no

SECTION E. TERMS OF THE PROTECTION ORDER

THESE ARE THE CONDITIONS THAT YOU ARE ASKING THE COURT TO ORDER AGAINST THE RESPONDENT (THE ABUSER).
TICK THE CORRECT BOXES, AND FILL IN ALL INFORMATION THAT IS REQUIRED.

All protection orders direct the respondent not to commit any further acts of domestic violence against you (the victim) or your (the victim's) dependants, either directly or by getting the help of another person to carry out the violence. In the list below please tick the types of domestic violence which the respondent has already committed for special emphasis in the order:

- physical abuse;
- sexual abuse;
- economic abuse (including destruction or damage to property);
- intimidation;
- harassment (including stalking);
- trespass;
- emotional, verbal or psychological abuse;
- threats or attempts to carry out any of these acts;
- exposing a child to acts of domestic violence against another person.

Please indicate what other conditions the court should include in the protection order:

a) WEAPONS

The respondent must hand over to the police

- all firearms in his/her possession
- other specific weapon(s) (describe:.....).

The respondent's firearm licences must be suspended.

b) NO-CONTACT PROVISIONS

- The respondent must not come near me (the victim) wherever I may be.
- The respondent must not enter or come near my (the victim's) residence, which is at the following address:
.....
- The respondent must not enter or come near my (the victim's) workplace, which is at the following address:
.....
- The respondent must not enter or come near my (the victim's) educational institution, which is at the following address:
.....
- The respondent must not enter or come near the following place or address. (This can include the residence, workplace or educational institution of a child or dependant, a family member's residence, a temporary shelter or residence, or a place which is often visited.) Consent from the relevant persons must be attached if the respondent is going to be restricted from someone else's private residence.

place or address:

reason why respondent should be restricted from this place or address:

..... **The respondent must not communicate with me (the victim) in any way, except under the following conditions (if any):**

..... **The respondent must not communicate with the following person(s) in any way, except under the following conditions (if any).** Consent from the person named (or from the parent or guardian in the case of a child) must be attached.

name:

age:

conditions (if any):

consent in respect of this person is attached: yes

name:

age:

conditions (if any):

consent in respect of this person is attached: yes

name:

age:

conditions (if any):

consent in respect of this person is attached: yes

c) EXCLUSIVE OCCUPATION OF A JOINT RESIDENCE

(available only if there has been an act of physical violence)

..... **I (the victim) must have the exclusive right to occupy the joint residence at the following address.**

address:.....

Tick the appropriate answers:

The residence is *owned* by

..... me (the victim)

..... the respondent

..... the respondent and myself jointly.

The residence is *leased* by

..... me (the victim)

..... the respondent

..... the respondent and myself jointly.

The residence is on *communal land* which is allocated to

..... me (the victim)

..... the respondent

..... the respondent and myself jointly.

..... **All of the contents of the joint residence must be left there for my use.**

Give reasons:

..... **The following items must be left at the joint residence for my use.**

List:

Give reasons:

..... **A police officer must remove the respondent from the joint residence.**

..... **A police officer must accompany the respondent to collect personal belongings from the joint residence.**

d) ALTERNATIVE ACCOMMODATION

(available if the respondent is legally liable to support you and you do not wish to stay in the joint residence, or it is more appropriate for the respondent to stay in the joint residence)

..... **The respondent must pay rent for suitable alternative accommodation for me (the victim) and dependants whom the respondent is legally liable to support.**

address of alternative accommodation:

monthly rental:

..... **The respondent must make the following arrangements for suitable alternative accommodation for me (the victim) and dependants whom the respondent is legally liable to support:**

e) PROPERTY

..... **A police officer must accompany me (the victim) to collect personal belongings from the joint residence.**

..... **The following items must be left in my (the victim's) possession:**

List:

.....

Give reasons:

.....

.....

The respondent must not take, sell, damage, give away or otherwise deal in any property in which I (the victim) have an interest or a reasonable expectation of use.

List any property which is of special concern:

.....

.....

.....

f)

MAINTENANCE

.....

The respondent must pay temporary monthly maintenance in respect of the following children or dependants:

name:

age:

monthly amount:

name:

age:

monthly amount:

name:

age:.....

monthly amount:

name:

age:

monthly amount:

name:

age:

monthly amount:

g)

CUSTODY AND ACCESS OF CHILDREN

.....

Temporary custody of the following children must be granted to me (the victim).

List names:

.....

Temporary custody of the following children must be granted to (list other person)

List names:

.....

The respondent is refused all contact with the following children.
List names:

.....

The respondent is granted contact with the following children only under the specified conditions:

name:
visiting arrangement:
other conditions:

name:
visiting arrangement:
other conditions:

name:
visiting arrangement:
other conditions:.....

h)

OTHER ORDERS REQUESTED:

.....

MY (THE VICTIM'S) PHYSICAL ADDRESS MUST NOT BE REVEALED TO THE RESPONDENT.

NAME THE POLICE STATION WHERE YOU (THE VICTIM) WOULD MOST LIKELY MAKE A REPORT IF THE RESPONDENT VIOLATES THE PROTECTION ORDER:

WITNESSES

I would like these people to come to court to give evidence about the information stated in this application:

NAME	BEST CONTACT ADDRESS	WHAT INFORMATION THIS WITNESS CAN GIVE THE COURT

NOTE: You should now look back through this form and make sure that you have included all the relevant information. Then you must sign or make your mark in the space below, in front of a Commissioner of Oaths.

You must also put your initials or your mark in the corner of every page of this statement, in front of a Commissioner of Oaths.

.....
SIGNATURE

.....
DATE

CERTIFICATION
for use by Commissioner of Oaths

I hereby certify that before administering the oath / taking the affirmation I asked the Deponent the following questions and noted his/her answers in his/her presence as indicated below:

Do you know and understand the contents of the above declaration?

Do you have any objection to taking the prescribed oath?

Do you consider the above oath to be binding on your conscience?

Dated atthisday of

I hereby certify that the Deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to / affirmed before me, and the Deponent's signature / thumb mark/ mark was placed in my presence.

.....
Signature of Commissioner of Oaths

FULL NAMES:

DESIGNATION:
(police officers must state rank)

ADDRESS:

NOTE: THE COMMISSIONER OF OATHS MUST ALSO INITIAL EVERY PAGE OF THE AFFIDAVIT.

FORM 2
(Regulation 2(3))
CONSENT BY THE COMPLAINANT FOR APPLICATION FOR A
PROTECTION ORDER BY SOMEONE ELSE ACTING ON HIS OR HER
BEHALF
Section 4(4) of the Combating of Domestic Violence Act, 2003

I hereby give consent to (name)

to make an application for a protection order on my behalf.

Signed at on the day of,
(place) (date) (month) (year)

FORM 3
(Regulation 2(4))

CONSENT TO BE COVERED BY A NO-CONTACT PROVISION

Section 6(1) of the Combating of Domestic Violence Act, 2003

I understand that an application is being made for a protection order against

_____ (name) in respect of domestic violence.

I hereby give consent for the court to (tick one)

..... restrict this person's contact with me.

..... prevent this person from having any contact with me whatsoever.

.....
Signature

.....
Witness

FORM 4
(Regulation 3)
NOTICE TO ATTEND ENQUIRY
Section 11(1) of the Combating of Domestic Violence Act, 2003

CONSENT TO BE COVERED BY A NO-CONTACT PROVISION

APPLICATION NUMBER		
IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF		
HELD AT		
 In the matter between		
COMPLAINANT .....	.....	.....
(name)	(id number, if any)	(date of birth)
AND		
RESPONDENT .....	.....	.....
(name)	(id number, if any)	(date of birth)

PARTICULARS OF PERSON TO BE NOTIFIED

Name	
Home address	
Home telephone number	
Occupation	
Employer	
Work address	
Work telephone number	

You are hereby informed that you must appear in person in the Magistrate's Court at on the day ofat 08h30 in connection with a domestic violence matter.

.....
CLERK OF THE COURT

.....
DATE

FORM 5
(Regulation 6)
INTERIM PROTECTION ORDER
Section 8 of the Combating of Domestic Violence Act, 2003

APPLICATION NUMBER.....

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF.....
HELD AT.....

In the matter between

COMPLAINANT
(name) (id number, if any) (date of birth)

AND

RESPONDENT
(name) (id number, if any) (date of birth)

NOTICE TO THE RESPONDENT:

An application has been made for a protection order against you in terms of the Combating of Domestic Violence Act, 2003. A copy of the sworn statement made in support of the application is attached, along with any other evidence which was put before the court. On the basis of this information, the court has issued an interim protection order against you.

You are hereby informed of your right to appear in the Magistrate's Court at on the day of at 08h30. At that time, you may present evidence to the court to show why the interim protection order should not be confirmed and made final. You may bring other persons to give evidence on your behalf if you wish. If you want to oppose the protection order, you must send the enclosed form called "NOTICE OF INTENTION TO OPPOSE CONFIRMATION OF PROTECTION ORDER" back to the Clerk of the Court right away.

You also have a right to ask the clerk of the court to ask that the date of the court enquiry be moved forward. The clerk of court has a duty to make sure that there is 24 hours' written notice of the earlier date to the complainant. If you want to ask for an earlier enquiry date, use the enclosed form called "NOTICE OF INTENTION TO OPPOSE CONFIRMATION OF PROTECTION ORDER".

If you do NOT appear in court to oppose the order on the listed date and time, or on an earlier date arranged with the clerk of court, the court will make this interim protection order into a final protection order.

In the meantime, this interim order has full force and effect. It is a criminal offence to violate an interim protection order. If you violate any of the provisions of the order indicated below, you are liable on conviction to a fine of up to N\$8000, or to imprisonment for up to two years, or to both a fine and imprisonment.

a) PARTICULARS OF RESPONDENT

Surname	
Full first names	
Sex	..... male female
Date of birth	
ID number	
Home address	
Home telephone number	
Occupation	
Employer	
Work address	
Work telephone number	
Other contact details for respondent	

b) ORDER OF COURT**1. The court orders that**

1.1 the application for the protection order is dismissed.

1.2 the application for the protection order is granted as set out on the following pages

ORDER TO RESPONDENT

2. You are hereby ordered not to commit any further acts of domestic violence against the complainant or the complainant's dependants, either directly or by getting the help of another person to carry out the violence. You are ordered to refrain from all acts of domestic violence, and in particular from the types of violence indicated in the list below:

physical abuse;

sexual abuse;

economic abuse (including destruction or damage to property);

intimidation;

harassment (including stalking);

trespass;

emotional, verbal or psychological abuse ;

**threats or attempts to carry out any of these acts;
exposing a child to acts of domestic violence against another person.**

3. You are further ordered to comply with the provisions below which are indicated by a tick (✓) :

WEAPONS

- 3.1 You are ordered to hand over to the police
all firearms in your possession
ther specific weapon(s) (list:.....).**
- 3.2 Your firearm licence is hereby suspended.**

NO-CONTACT PROVISIONS

- 3.3 You must not come near the complainant wherever he or she may be.**
- 3.4 You must not enter or come near the complainant’s residence, which is at the following address:**

- 3.5 You must not enter or come near the complainant’s workplace, which is at the following address:**

- 3.6 You must not enter or come near the complainant’s educational institution, which is at the following address:**

- 3.7 You must not enter or come near the following place or address.**

- 3.8 You must not communicate in any way with the complainant, except under the following conditions (if any):**

- 3.9 You must not communicate in any way with the following person(s), except under the following conditions (if any).**

name:
conditions (if any):

name:
conditions (if any):

name:
conditions (if any):

EXCLUSIVE OCCUPATION OF A JOINT RESIDENCE
(available only if there has been an act of physical violence)

- 3.10 You must not enter the joint residence which you share with the complainant at the following address, and you are ordered not to prevent the complainant, or any child or dependant of the complainant, who ordinarily lives at the joint residence from entering or remaining on the premises or any part of the premises. This provision shall remain in force until(date).**

- 3.11 You are ordered to leave all of the contents of the joint residence in place for the use of the complainant until (date).**
- 3.12 You must leave the following items at the joint residence for the use of the complainant (date).**
-
-

ALTERNATIVE ACCOMMODATION

(available if you are legally liable to support the complainant and the complainant does not wish to stay in the joint residence, or it is more appropriate for you to stay in the joint residence)

- 3.13 You must pay rent in the amount below for suitable alternative accommodation for the complainant and any dependants of the complainant whom you are legally liable to support.**

monthly rental: until date:

- 3.14 You must make the following arrangements for suitable alternative accommodation for the complainant and any dependants of the complainant whom you are legally liable to support:**
-

PROPERTY

- 3.15 You are ordered to leave the following items in the possession of the complainant:**
-
-

- 3.16 You are ordered not to take, sell, damage, give away or otherwise deal in any property in which the complainant has an interest or a reasonable expectation of use, including the following property.**
-
-

ORDERS PERTAINING TO CHILDREN AND DEPENDANTS**4. It is further ordered as follows:****MAINTENANCE****4.1 The respondent is ordered to pay temporary monthly maintenance in respect of the following children or dependants:**

name:
monthly amount: until date:

name:
monthly amount: until date:

name:
monthly amount: until date:

name:
monthly amount: until date:

name:
monthly amount:

CUSTODY AND ACCESS OF CHILDREN**4.2 Temporary custody of the following children is granted to the complainant.**

names:

4.3 Temporary custody of the following children is granted to

names:

4.4 The respondent is ordered to have no contact whatsoever with the following children.

names:

4.5 The respondent may have contact with the following children only under the specified conditions:

name:
visiting arrangement:
other conditions:

name:
visiting arrangement:
other conditions:

name:
visiting arrangement:
other conditions:

ADDITIONAL ORDERS

5. It is further ordered as follows:
- 5.1 The clerk of court must forward a copy of this protection order to the Station Commander of the police station, who must cause police protection, to the extent reasonably necessary and possible, to be provided to the complainant or any person in the care of the complainant who is at risk until such time as the interim protection order is made final and served on the respondent or discharged.

5.2 A police officer from the police station must seize the following weapons from the respondent:

5.3 A police officer from the police station must remove the respondent from the joint residence.

5.4 A police officer from the police station must accompany the respondent to collect personal belongings from the joint residence.

5.5 A police officer from the police station must accompany the complainant to collect personal belongings from the joint residence.

5.6 The complainant’s physical address must not be revealed to the respondent.

5.7 The clerk of the court must send a copy of this order to the Permanent Secretary of the Ministry responsible for child welfare, for consideration of appropriate action as provided for in legislation relating to the care and protection of children.

6. It is further ordered as follows:

.....

MAGISTRATE

.....

DATE

FORM 6
(Regulation 7)

NOTICE OF INTENTION TO OPPOSE CONFIRMATION OF PROTECTION ORDER

Section 11 of the Combating of Domestic Violence Act, 2003

(Note: this form must be included with the interim protection order sent to the respondent, with the boxed portions of the form already completed by the clerk of court).

APPLICATION NUMBER

**IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF
HELD AT**

In the matter between

COMPLAINANT
(name) (id number, if any) (date of birth)

AND

RESPONDENT
(name) (id number, if any) (date of birth)

NOTICE TO RESPONDENT: The enclosed interim protection order has been made against you in terms of the Combating of Domestic Violence Act, 2003 (Act 4 of 2003). The interim protection order is already in force. This means that you must obey it.

The interim protection order is only a temporary order. If you do not want the interim protection order to become a final order against you, you must return this notice in person or by post, to the Clerk of the Court at the following address:

The notice must reach the Clerk of the Court by the following date:
(date one week before the date of the enquiry listed on the front page of the interim protection order).

If you do NOT return this form to the Clerk of Court by this date, then the interim protection order against you will be made final.

The enquiry to consider the protection order is scheduled for the following date:.....
(date indicated on the front page of the interim protection order).

You must appear in the Magistrate's Court at at 08h30 to say why the court should not make the interim order into a final one. If you would like the enquiry to take place SOONER, you can make a request for an earlier date in the space below.

1. I ask the court NOT to confirm the interim protection order which has been made against me.
2. Choose one:
..... I will come to court on the date for the enquiry listed above.
..... I ask that the Clerk of the Court to hold the enquiry sooner, at 08h30 on the following date: I will come to court on this date. (This date must be a weekday which is less than 30 days from the date you received the interim protection order.)
3. I would like these people to come to court to give evidence about the information stated in this application:

NAME	BEST CONTACT ADDRESS	WHAT INFORMATION THIS WITNESS CAN GIVE THE COURT

.....
SIGNATURE

.....
DATE

FORM 7
(Regulation 8)
NOTICE OF POSTPONEMENT OF ENQUIRY
Section 12 of the Combating of Domestic Violence Act, 2003

APPLICATION NUMBER		
IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF.....		
HELD AT.....		
In the matter between		
COMPLAINANT.....	.....	.....
(name)	(id number)	(date of birth)
AND		
RESPONDENT .....	.....	.....
(name)	(id number)	(date of birth)

PARTICULARS OF PERSON TO BE NOTIFIED

Name	
Home address	
Home telephone number	
Occupation	
Employer	
Work address	
Work telephone number	

You are hereby informed that the enquiry in this domestic violence matter has been postponed. You must appear in person in the Magistrate's Court at on the.....day of at 08h30. If you do not appear in court on this date, you have committed an offence and are liable on conviction to a fine of up to N\$4000, or to imprisonment for up to one year, or to both a fine and imprisonment.

.....
CLERK OF THE COURT

.....
DATE

FORM 8A
Regulation 9(1)
NOTICE TO STATION COMMANDER TO ENQUIRE
INTO REASONS FOR COMPLAINANT'S NON-ATTENDANCE AT
ENQUIRY
Section 12(15) of the Combating of Domestic Violence Act, 2003

APPLICATION NUMBER.....

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF
HELD AT

In the matter between

APPLICANT.....
 (name) (id number, if any) (date of birth)

AND

APPLICANT.....
 (name) (id number, if any) (date of birth)

FORM 8B
Regulation 9(2)
REPORT OF STATION COMMANDER
Section 12(15) of the Combating of Domestic Violence Act, 2003

APPLICATION NUMBER

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF.....
HELD AT

In the matter between

COMPLAINANT

(name)

.....

(id number, if any)

.....

(date of birth)

AND

RESPONDENT

(name)

.....

(id number, if any)

.....

(date of birth)

1. The reasons for the non-attendance of the complainant were investigated by the following officer:

.....

(name)

.....

(position)

2. The reasons for the non-attendance by the complainant are:

..... The complainant no longer wishes to proceed with the application.

..... The complainant was intimidated in the following manner:

.....

.....

.....

..... Other (explain below):

.....

.....

.....

.....
STATION COMMANDER

.....
DATE

- 1. The Court orders that the attached interim protection order be confirmed and made final.**
- 2. The Court orders that the attached interim protection order be made final, with the following amendments:**
- 3. The Court orders that the attached interim protection order be set aside.**
- 4. The Court orders that the attached interim protection order be discharged and replaced by the attached protection order which is hereby declared final.**
- 5. The Court makes the attached protection order for the first time on this date, and this protection order is hereby declared final.**
- 6. Because the respondent failed to attend the enquiry at which the interim protection order was confirmed, the court orders that this interim protection order is hereby extended until such date as the final protection order is served on the respondent. The interim protection order shall have full force and effect until this date regardless of whether or not the respondent has been notified of the extension.**
- 7. The clerk of court must forward a copy of this protection order to the Station Commander of the police station, who must put all police personnel at that station on notice that the complainant and any other person protected by the order are at particular risk.**

8. The clerk of the court must send a copy of this order to the Permanent Secretary of the Ministry responsible for child welfare, for consideration of appropriate action as provided for in legislation relating to the care and protection of children.

It is a criminal offence to violate a protection order. If you violate any of the provisions of the protection order, you are liable on conviction to a fine of up to N\$8000, or to imprisonment for up to two years, or to both a fine and imprisonment.

.....
MAGISTRATE

.....
DATE

FORM 9B
(Regulation 10)
PROTECTION ORDER

Section 13(1) of the Combating of Domestic Violence Act, 2003

(This form is to be used where a final protection order granted at the conclusion of an enquiry is not preceded by an interim protection order, or where an interim protection order is discharged and replaced by a different final protection order.)

APPLICATION NUMBER.....		
IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF		
HELD AT		
In the matter between		
COMPLAINANT (name)	..... (id number, if any )	..... (date of birth)
AND		
RESPONDENT (name)	..... (id number, if any )	..... (date of birth)

a) PARTICULARS OF RESPONDENT

Surname	
Full first names	
Sex	<input type="checkbox"/> male <input type="checkbox"/> female
Date of birth	
ID number	
Home address	
Home telephone number	
Occupation	
Employer	
Work address	
Work telephone number	
Other contact details for respondent	

b)

ORDER OF COURT

1. The court orders that the application for the protection order is granted as set out on the following pages.

ORDER TO RESPONDENT

2. You are hereby ordered not to commit any further acts of domestic violence against the complainant or the complainant’s dependants, either directly or by getting the help of another person to carry out the violence. You are ordered to refrain from all acts of domestic violence, and in particular from the types of violence indicated in the list below:
physical abuse;
sexual abuse;
economic abuse (including destruction or damage to property);
intimidation;
harassment (including stalking);
trespass;
emotional, verbal or psychological abuse ;
threats or attempts to carry out any of these acts; and
exposing a child to acts of domestic violence against another person.

3. You are further ordered to comply with the provisions below which are indicated by a tick (✓) :

WEAPONS

- 3.1 You are ordered to hand over to the police
all firearms in your possession
other specific weapon(s) (list:.....).
- 3.2 Your firearm licence is hereby suspended.

NO-CONTACT PROVISIONS

- 3.3 You must not come near the complainant wherever he or she may
be.
- 3.4 You must not enter or come near the complainant’s residence, which
is at the following address:

- 3.5 You must not enter or come near the complainant’s workplace, which
is at the following address:

- 3.6 You must not enter or come near the complainant’s educational institution,
which is at the following address:

- 3.7 You must not enter or come near the following place or address.

- 3.8 You must not communicate in any way with the complainant, except under
the following conditions (if any):

- 3.9 You must not communicate in anyway with the following person(s), except under the following conditions (if any).**

name:
 conditions (if any):

name:
 conditions (if any):

name:
 conditions (if any):

EXCLUSIVE OCCUPATION OF A JOINT RESIDENCE

(available only if there has been an act of physical violence)

- 3.10 You must not enter the joint residence which you share with the complainant at the following address, and you are ordered not to prevent the complainant, or any child or dependant of the complainant, who ordinarily lives at the joint residence from entering or remaining on the premises or any part of the premises. This provision shall remain in force until(date).**
- 3.11 You are ordered to leave all of the contents of the joint residence in place for the use of the complainant until (date).**
- 3.12 You must leave the following items at the joint residence for the use of the complainant(date).**

ALTERNATIVE ACCOMMODATION

(available if you are legally liable to support the complainant and the complainant does not wish to stay in the joint residence, or it is more appropriate for you to stay in the joint residence)

- 3.13 You must pay rent in the amount below for suitable alternative accommodation for the complainant and any dependants of the complainant whom you are legally liable to support.**

monthly rental: until date:

- 3.14 You must make the following arrangements for suitable alternative accommodation for the complainant and any dependants of the complainant whom you are legally liable to support:**

PROPERTY

- 3.15 You are ordered to leave the following items in the possession of the complainant:**

3.16 You are ordered not to take, sell, damage, give away or otherwise deal in any property in which the complainant has an interest or a reasonable expectation of use, including the following property.

ORDERS PERTAINING TO CHILDREN AND DEPENDANTS

4. It is further ordered as follows:

MAINTENANCE

4.1 The respondent is ordered to pay temporary monthly maintenance in respect of the following children or dependants:

name:

monthly amount: until date:

name:

monthly amount: until date:

name:

monthly amount: until date:

name:

monthly amount: until date:

name:

monthly amount:

CUSTODY AND ACCESS OF CHILDREN

4.2 Temporary custody of the following children is granted to the complainant.

names:

4.3 Temporary custody of the following children is granted to

names:

4.4 The respondent is ordered to have no contact whatsoever with the following children.

names:

4.5 The respondent may have contact with the following children only under the specified conditions:

name:

visiting arrangement:

other conditions:

name:

visiting arrangement:

other conditions:

name:

visiting arrangement:

other conditions:

ADDITIONAL ORDERS

5. It is further ordered as follows:

- 5.1 A police officer from the police station must seize the following weapons from the respondent:**
- 5.2 A police officer from thepolice station must remove the respondent from the joint residence.**
- 5.3 A police officer from thepolice station must accompany the respondent to collect personal belongings from the joint residence.**
- 5.4 A police officer from the police station must accompany the complainant to collect personal belongings from the joint residence.**
- 5.5 The complainant's physical address must not be revealed to the respondent.**

6. It is further ordered as follows:

.....
MAGISTRATE

.....
DATE

FORM 10A
Regulation 11(1)
APPLICATION FOR MODIFICATION OR CANCELLATION OF
PROTECTION ORDER
Section 17 of the Combating of Domestic Violence Act, 2003

SECTION A. PARTICULARS OF PROTECTION ORDER

This is an application to (tick one)

..... change

..... cancel

**the protection order granted on in the Magistrate's Court at
 (date) (place)**

**against
 (name of respondent – the person who committed the domestic violence)**

**SECTION B. PARTICULARS OF PERSON APPLYING FOR CHANGE/
 CANCELLATION**

1. Surname	
2. Full first names	
3. Sex	..... male female
4. Date of birth	
5. ID number (if available)	
6. Normal home address	
7. Home telephone number	
8. What is the telephone number of the place you (the victim) are staying now?	
9. Occupation	
10. Employer	
11. Work address	
12. Work telephone number	
13. What is the best address and telephone number to use to get in touch with you (the victim)?	
Give the number of a friend or relative or some other contact if this will be helpful.	

SECTION B. PARTICULARS OF THE OTHER PARTY TO THE PROTECTION ORDER	
1. Surname	
2. Full first names	
3. Sex	..... male female
4. Date of birth (if known)	
5. ID number (if known)	
6. Home address	
7. Home telephone number	
8. Occupation	
9. Employer	
10. Work address	
11. Work telephone number	
12. Other contact details for respondent	

**SECTION D. INFORMATION ABOUT THE REQUEST FOR CHANGE/
CANCELLATION**

I, OF
NAME ADDRESS

DECLARE UNDER OATH THAT THE FOLLOWING IS TRUE AND CORRECT:

1. I wish to apply to (tick one)
.....change
..... cancel
the protection order listed above.

2. The reasons for the request are as follows:
.....
.....
.....
.....
.....
.....
.....
.....

3. (if applicable) I would like to request that the protection order be changed as follows:
.....
.....
.....
.....

NOTE: You should now look back through this form and make sure that you have included all the relevant information. Then you must sign or make your mark in the space below, in front of a Commissioner of Oaths.

You must also put your initials or your mark in the corner of every page of this statement, in front of a Commissioner of Oaths.

.....
SIGNATURE

.....
DATE

CERTIFICATION
for use by Commissioner of Oaths

I hereby certify that before administering the oath / taking the affirmation I asked the Deponent the following questions and noted his/her answers in his/her presence as indicated below:

Do you know and understand the contents of the above declaration?

Do you have any objection to taking the prescribed oath?

Do you consider the above oath to be binding on your conscience?

Dated at this day of

I hereby certify that the Deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to / affirmed before me, and the Deponent's signature / thumb mark/ mark was placed in my presence.

.....
Signature of Commissioner of Oaths

FULL NAMES:

DESIGNATION:
(police officers must state rank)

ADDRESS:

NOTE: THE COMMISSIONER OF OATHS MUST ALSO INITIAL EVERY PAGE OF THE AFFIDAVIT.

FORM 10B
Regulation 11(2)
ORDER FOR MODIFICATION OR CANCELLATION OF PROTECTION
ORDER
Section 17 of the Combating of Domestic Violence Act, 2003

APPLICATION NUMBER.....

**IN THE MAGISTRATE’S COURT FOR THE DISTRICT OF
HELD AT**

In the matter between

COMPLAINANT
(name) (id number) (date of birth)

AND

RESPONDENT
(name) (id number) (date of birth)

An application has been made by (person applying for change or cancellation)for
.....modification
.....cancellation
of a protection order made in terms of the Combating of Domestic Violence Act,
2003 (Act No. 4 of 2003)
against (respondent) on (date)

Court order

1. **The Court dismisses the application. The protection order remains in force as it stands.**
2. **The Court orders that the attached protection order be amended as follows:**
.....
.....
.....
3. **The Court orders that the attached protection order be discharged and substituted by the alternative protection order which is attached (Form 9B).**
4. **The Court orders that the attached protection order be cancelled with effect fromdate).**
5. **The clerk of court must forward a copy of this order to the Station Commander of the police station.**

6. The clerk of the court must send a copy of this order to the Permanent Secretary of the Ministry responsible for child welfare, for consideration of appropriate action as provided for in legislation relating to the care and protection of children.

.....
MAGISTRATE

.....
DATE

Form 11
(Regulation 12)
FORMAL WARNING
Section 23(1)(b) of the Combating of Domestic Violence Act

Police Station	O.B Number	Name of Police Officer

Particulars of Person to be warned			
Name			
Work address			
.....			
.....Tel.....			
Home address			
.....			
.....Tel.....			
Sex	Language	Nationality	Age

You are formally warned not to commit the following acts of domestic violence against.....(complainant)

Your attention is drawn to section 2(1) of the Combating of Domestic Violence Act, 2003 and Form 1 of these regulations for a description of what constitutes domestic violence

Physical abuse namely-

Sexual abuse namely-

Economic abuse namely-

Intimidation namely -

Harassment namely -

Trespass namely-

Emotional, verbal or psychological abuse namely-

Psychological abuse of a child namely-

Threats or attempts to do the above acts namely-

Issued aton thisday of20

 Police Officer

 Rank

 Date stamp

FORM 12
(Regulation 13)
NOTICE OF COURT PROCEEDINGS ON BAIL OR SENTENCING
Section 25 of the Combating of Domestic Violence Act/ Section 60A of the
Criminal Procedure Act, 1977

CASE NUMBER.....

IN THE MAGISTRATE’S COURT FOR THE DISTRICT OF
HELD AT

In the matter between

THE STATE
AND
DEFENDANT.....
(name) (id number, if any) (date of birth)

PARTICULARS OF PERSON TO BE NOTIFIED

Name	
Home address	
Home telephone number	
Occupation	
Employer	
Work address	
Work telephone number	

1. You are hereby invited to appear personally before the Magistrate’s Court at on the day ofat 08h30 to give your views on the granting of bail to the defendant in respect of a domestic violence offencethe sentencing of the defendant for a domestic violence offence.
2. If for any reason you are unable or unwilling to appear personally, you have the right to inform the court of your views by means of a statement sworn to in front of a Commissioner of Oaths. (You will find a Commissioner of Oaths at any police station.)

Dated at ... this day of20.....

.....
CLERK OF THE COURT

FORM 13
(Regulation 13)
NOTICE OF BAIL AND BAIL CONDITIONS
Section 60A of the Criminal Procedure Act, 1977

CASE NUMBER.....		
IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF		
HELD AT		
In the matter between		
THE STATE		
AND		
DEFENDANT.....	.....	.....
(name)	(id number)	(date of birth)

PARTICULARS OF PERSON TO BE NOTIFIED

Name	
Home address	
Home telephone number	
Occupation	
Employer	
Work address	
Work telephone number	

1. You are hereby informed that the defendant in this case was been granted bail on the day of, subject to the following conditions:

2. If you become aware that any of these conditions have been violated, please contact the station commander of the Police Station at address or telephone number

Dated at thisday of20.....

.....
CLERK OF THE COURT

FORM 14
(Regulation 14)
RECORD OF DOMESTIC VIOLENCE INCIDENT
Section 27(1) of the Combating of Domestic Violence Act

POLICE STATION	O. B. NUMBER	NAME OF POLICE OFFICER
-----------------------	---------------------	-------------------------------

SECTION A. PARTICULARS OF COMPLAINANT (the victim of the domestic violence)

1. Surname	
2. Full first names	
3. Sex	..... male female
4. Date of birth	
5. ID number (if available)	
6. Home address	
7. Home telephone number	
8. Occupation	
9. Employer	
10. Work address	
11. Work telephone number	
12. The complainant is the .....of the person who has committed the violence. (girlfriend/boyfriend, wife/husband, ex-wife/ex-husband, sister/brother, mother/father, etc)	
13. Does the complainant share a residence with the respondent (the person who committed the domestic violence)? .....no yes unknown	

SECTION B. PARTICULARS OF RESPONDENT (the person who committed the act of domestic violence)

1. Surname	
2. Full first names	
3. Sex	.....male female
4. Date of birth (if known)	
5. ID number (if known)	
6. Home address	
7. Home telephone number	
8. Occupation	
9. Employer	
10. Work address	
11. Work telephone number	

SECTION C. THE DOMESTIC VIOLENCE INCIDENT

Date of incident:

Date incident reported to police: Time reported:

The domestic violence took the form of (tick all that apply):
..... physical abuse;
..... sexual abuse;
..... economic abuse (including destruction or damage to property);
..... intimidation;
..... harassment (including stalking);
..... trespass;
..... emotional, verbal or psychological abuse ;
..... threats or attempts to carry out any of these acts; and
..... exposing a child to acts of domestic violence against another person.

Give a brief description of the incident: _____

..... A weapon was used in the domestic violence. (describe: _____)

..... The complainant had visible injuries (describe: _____)

..... The complainant sought medical assistance.

..... Previous incidents of domestic violence involving the same parties have been reported.

Provide details and dates if possible:.....

..... Children or dependants of the victim are possibly at risk.

Give names, ages and details if possible:.....

SECTION D. POLICE ACTION TAKEN

- A charge was laid
..... by the victim of the violence.
..... by someone acting on behalf of the victim of the violence.

Give case number:

- A charge was initially laid but later withdrawn by the complainant.
..... A formal warning was given.
..... The complainant was assisted to apply for a protection order.
..... Additional police protection was supplied to the complainant (explain: _____)
..... The complainant was taken to a shelter or other safe place.
..... The complainant was referred to a social worker or counselling group.
..... The complainant was transported to a clinic or hospital for medical attention.
..... The complainant was assisted to collect personal belongings in safety.

Other:

.....

.....
Signature of police officer completing incident record

.....
Date