



STATUTORY INSTRUMENTS.

S.I. No. 286 of 2012



DISTRICT COURT (DOMESTIC VIOLENCE) RULES 2012

DISTRICT COURT (DOMESTIC VIOLENCE) RULES 2012

The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961 and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 21st day of November 2011.

Mary C Devins

Brian Sheridan

David Riordan

Fiona Twomey

Shalom Binchy

Roy Pearson

Noel A Doherty

Michelle Johnston

I concur in the making of the following rules of court.

Dated this 18th day of July 2012.

ALAN SHATTER,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 31st July, 2012.*

S.I. No. 286 of 2012

DISTRICT COURT (DOMESTIC VIOLENCE) RULES 2012

1. (1) These Rules, which may be cited as the District Court (Domestic Violence) Rules 2012, shall come into operation on the 15th day of August 2012.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2012.

2. The District Court Rules 1997 are amended by the substitutions for the Forms 59.1 and 59.3 in Schedule C of the forms bearing the like numbers respectively in the Schedule hereto.

Schedule C
O.59, r.4 (1)

DOMESTIC VIOLENCE ACT 1996, Section 2(2)

SUMMONS FOR A SAFETY ORDER

District Court Area of

District No.

..... Applicant

..... Respondent

YOU ARE HEREBY REQUIRED to appear at the sitting of the District Court to be held at..... on the..... day of..... 20....., at.....m. to answer the application of the *applicant *(or the Health Service Executive on behalf of the applicant by virtue of section 6 of the above-mentioned Act) who is

*the spouse of the respondent

*the civil partner (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010) of the respondent

*not the spouse or civil partner of the respondent and is not related to the respondent within the prohibited degrees of relationship, but lived with the respondent in an intimate and committed relationship prior to this application

*a parent of the respondent and the respondent being of full age and not, in relation to the parent, a dependent person

*of full age and residing with the respondent in a relationship which is not primarily contractual

*a person who was a party to a civil partnership with the respondent that has been dissolved under the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010

*a parent of a child whose other parent is the respondent

and who resides at..... *(in the Court District aforesaid) for a safety order directing that you shall not use or threaten to use violence against, molest or put in fear the *applicant *or any dependent person(s) *and shall not watch or beset the place where the applicant *and that dependent person(s) reside(s).

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

Signed.....

Judge of the District Court
District Court Clerk

To.....

Of.....

Respondent

***WARNING**

IT IS AN OFFENCE under section 9 of the Family Home Protection Act 1976, as applied by section 8 of the Domestic Violence Act 1996, for a spouse to DISPOSE OF OR REMOVE ANY OF THE HOUSEHOLD CHATTELS pending the determination of the application herein, and if a safety order is made, while that order is in force (unless the other spouse consents or the Court permits it).

A spouse who contravenes that provision shall be liable on conviction to a Class D fine, being a fine not exceeding €1,000 or to imprisonment for a term not exceeding six months, or to both.

*Delete where inapplicable

DOMESTIC VIOLENCE ACT 1996, Section 3(2)

SUMMONS FOR A BARRING ORDER

District Court Area of

District No.

..... Applicant

..... Respondent

YOU ARE HEREBY REQUIRED to appear at the sitting of the District Court to be held at on the.... day of..... 20...., at...m. to answer the application of the *applicant *(or the Health Service Executive on behalf of the applicant by virtue of section 6 of the above-mentioned Act) who is

*the spouse of the respondent

*the civil partner (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010) of the respondent

*not the spouse or civil partner of the respondent and is not related to the respondent within the prohibited degrees of relationship, but lived with the respondent in an intimate and committed relationship for a period of at least six months in aggregate during the period of nine months immediately prior to this application

*a parent of the respondent and the respondent being of full age and not, in relation to the parent, a dependent person

*a person who was a party to a civil partnership with the respondent that has been dissolved under the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010

for a barring order directing you to leave the place where the applicant *or any dependent person resides at..... *(in the Court District aforesaid) and prohibiting you from entering the place where the applicant *or any dependent person resides until further order of the Court, or until such other time as the Court shall specify on the grounds that the *safety/welfare of the applicant *and any dependent person so requires.

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

Signed

Judge of the District Court
District Court Clerk

To.....
Of.....
Respondent

***WARNING**

IT IS AN OFFENCE under section 9 of the Family Home Protection Act 1976, as applied by section 8 of the Domestic Violence Act 1996, for a spouse to DISPOSE OF OR REMOVE ANY OF THE HOUSEHOLD CHATTELS pending the determination of the application herein, and if a barring order is made, while that order is in force (unless the other spouse consents or the Court permits it).

A spouse who contravenes that provision shall be liable on conviction to a Class D fine, being a fine not exceeding €1,000 or to imprisonment for a term not exceeding six months, or to both.

*Delete where inapplicable

EXPLANATORY NOTE

(This does not form part of the Instrument and does not purport to be a legal interpretation.)

These Rules amend the District Court Rules by the substitution of forms 59.1 and 59.3 to expand the categories of person entitled to seek a safety or barring order, as prescribed in the Domestic Violence Act 1996, as amended.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
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€2.54

