



STATUTORY INSTRUMENTS.

S.I. No. 79 of 2019



DISTRICT COURT (DOMESTIC VIOLENCE) RULES 2019

S.I. No. 79 of 2019

District Court (Domestic Violence) Rules 2019

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, section 24 of the Interpretation Act 2005, section 31(1) of the Domestic Violence Act 2018 and of all other powers enabling them in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 2nd day of January 2019.

Rosemary Horgan Chairperson
Conal Gibbons
Anne Watkin
Shane McCarthy
Noel A Doherty
Michelle Johnston

I concur in the making of the foregoing rules



GIVEN under my Official Seal,
Dated this 6th day of March, 2019.

CHARLES FLANAGAN,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 15th March, 2019.*

S.I. No. 79 of 2019

District Court (Domestic Violence) Rules 2019

1. (1) These Rules, which shall come into operation on the 15th day of March 2019, may be cited as the District Court (Domestic Violence) Rules 2019.

(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 2019.

2. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended:

(i) by the substitution for Order 59 thereof of the Order set out in Schedule 1, and

(ii) by the substitution for rule 4 of Order 61A of the following rule:

“Accompanying persons and support workers

4. (1) Where a party (in this rule referred to as the “applicant”) wishes to be accompanied in court in any proceedings referred to in section 40(5) of the 2004 Act, save for proceedings to which section 26 of the Domestic Violence Act 2018 applies, by another person (in this rule referred to as “the accompanying person”), the applicant must, unless the Court otherwise directs, complete a notice of application in the Form 61A.1, Schedule C.

(2) Where the other party or parties agree to the accompanying person, the applicant must lodge Form No. 61A.1 duly completed, with the Clerk prior to the commencement of the hearing in the proceedings, and must apply to the Court at that hearing to approve the accompanying person and for such directions as the Court may give under section 40(5) of the 2004 Act.

(3) Except in *ex parte* applications, where the other party or parties have not agreed to the accompanying person, the applicant must, by application to the Court in the Form No. 61A.1, on notice to the other party or parties, returnable not later than seven days prior to the date fixed for the hearing in such proceedings, apply to the Court to approve the accompanying person and for such directions as the Court may give under section 40(5) of the 2004 Act.

(4) In *ex parte* applications, subject to the lodgment of Form No. 61A.1 duly completed in accordance with sub-rule (1), the approval of any accompanying person is at the discretion of the Court.

(5) On any application concerning an accompanying person, the Court, having heard any submission made by or

behalf of any other party to the proceedings, may allow the accompanying person to attend the proceedings (or any part of the proceedings) subject to such directions as the Court may give in that regard.

(6) The Court may, of its own motion or on the application of any party or person, vary or modify any directions given under section 40(5) of the 2004 Act during the course of the proceedings.

(7) Where an applicant in proceedings under the Domestic Violence Act 2018 wishes to be accompanied in court in the proceedings by an individual (including a support worker) in accordance with section 26 of the Domestic Violence Act 2018, the applicant must, before or at the commencement of the hearing in the proceedings, provide the Court with details of the name and address of the individual accompanying the applicant and, where the individual is a support worker, the name and address of the organisation with which the support worker volunteers, or by which the support worker is employed or engaged.

(8) The Court may, of its own motion or on the application of any party or person, make an order under section 26(2) of the Domestic Violence Act 2018 at any stage of the proceedings.”

3. (1) The Forms 59.1 to 59.16 inclusive and 61A.1 in Schedule 2 shall be substituted for the forms bearing the like numbers respectively set out in Schedule C to the District Court Rules.

(2) The Forms 59.17, 59.18 and 59.19 in Schedule 2 shall be added to the forms in Schedule C to the District Court Rules immediately following Form 59.16.

Schedule 1
“Order 59
Domestic Violence

Definitions

1. In this Order-

the “2018 Act” means the Domestic Violence Act 2018 (No. 6 of 2018);

“Agency” means the Child and Family Agency, and unless the context otherwise requires, words and phrases used in this Order which are defined in section 2 of the 2018 Act have the same meaning as in the 2018 Act.

Venue

2. Proceedings under this Order may be brought, heard and determined before:

(i) a sitting of the District Court for the Court District in which the applicant resides or is treated by the Court in accordance with section 22(2) of the 2018 Act as residing or, if the application is for a barring order or an emergency barring order, where there is situate the place in relation to which that application is made, or

(ii) a special sitting of the District Court arranged in accordance with section 24(3) of the 2018 Act.

Hearing otherwise than in public

3. Proceedings under the 2018 Act must, subject to section 23 of the 2018 Act, be heard otherwise than in public and only officers of the Court, the parties and their legal representatives, witnesses (subject to the provisions of Order 8, rule 2) and such other persons as the Judge in the exercise of his or her discretion allows, may be permitted to be present at the hearing.

Safety Order

4. (1) An application to the Court under section 6 of the 2018 Act for a safety order must be preceded by the issue and service upon the respondent of a summons in the Form 59.1, Schedule C.

(2) An order of the Court granting the application may be in the Form 59.2, Schedule C.

Barring Order

5. (1) An application to the Court under section 7 of the 2018 Act for a barring order must be preceded by the issue and service upon the respondent of a summons in the Form 59.3, Schedule C.

(2) An order of the Court granting the application may be in the Form 59.4, Schedule C.

Interim barring order

6. (1) When a summons for a barring order has been issued, an application to the Court under section 8(1) of the 2018 Act for an interim barring order (save where made in the course of the hearing of an application for a barring order):
 - (i) may be made by motion on notice in the Form 59.5, Schedule C, to the respondent (such notice and a copy of the grounding affidavit or information to be served on the respondent at least two clear days before the hearing) and grounded on an affidavit sworn by the applicant, or on information on oath and in writing sworn by the applicant in the Form 59.6, Schedule C; or
 - (ii) where, having regard to the circumstances of the particular case, the Court considers it necessary or expedient in the interests of justice, may be made *ex parte* grounded on an affidavit sworn by the applicant, or on information on oath and in writing sworn by the Applicant in the Form 59.6, Schedule C.
- (2) An interim barring order may be made *ex parte* notwithstanding the fact that the summons required by rule 5 has not been served.
- (3) An order of the Court granting the application may be in the Form 59.7, Schedule C.
- (4) In any case under this rule, the Court may hear evidence *viva voce* and on oath.

Emergency Barring Order

7. (1) An application to the Court under section 9(3) of the 2018 Act for an emergency barring order must, subject to sub-rule (3), be preceded by the issue and service upon the respondent of a summons in the Form 59.17, Schedule C.
- (2) An application to the Court under section 9 of the 2018 Act for an emergency barring order:
 - (i) may be made on the date on which the summons has been listed for hearing (provided the summons has been served on the respondent at least two clear days before the hearing) and grounded on an affidavit sworn by the applicant, or on information on oath and in writing sworn by the applicant in the Form 59.18, Schedule C; or
 - (ii) may, where the Court considers it necessary or expedient in the interests of justice having regard to the circumstances of the particular case, be made *ex parte* grounded on an affidavit sworn by the applicant, or on information on oath and in writing sworn by the Applicant in the Form 59.18, Schedule C.

- (3) An emergency barring order may be made *ex parte* notwithstanding the fact that the summons required by sub-rule (1) has not been served.
- (4) An order of the Court granting the application may be in the Form 59.19, Schedule C.
- (5) In any case under this rule, the Court may hear evidence *viva voce* and on oath.

Protection Order

8. (1) An application to the Court of the 2018 Act for a protection order under section 10(1) (save where made in the course of the hearing of an application for a safety order or a barring order):
 - (i) may be made by motion on notice to the respondent (such notice to be served on the respondent at least two clear days before the hearing) and in such case may be grounded on the evidence of the applicant *viva voce* and on oath; or
 - (ii) where, having regard to the circumstances of the particular case, the Court considers it necessary or expedient in the interests of justice, may be made *ex parte* grounded on an affidavit sworn by the applicant, or on information on oath and in writing sworn by the applicant in the Form 59.8, Schedule C.
- (2) An order of the Court granting a protection order may be in the Form 59.9, Schedule C.

Vary Safety/ Barring/ Interim Barring/ Emergency Barring Order/ Protection Order

9. (1) An application to the Court under section 6(8) to vary a safety order, section 7(12) to vary a barring order, section 8(7) to vary an interim barring order, section 9(8) to vary an emergency barring order or section 10(4) to vary a protection order, must be preceded by the issue and service of a summons in the Form 59.10, Schedule C.
- (2) An order of the Court granting the application may be in the Form 59.11, Schedule C.

Discharge Safety/Barring/ Interim Barring / Emergency Barring/ Protection Order

10. (1) An application to the Court under section 21 of the 2018 Act for the discharge of a safety order, a barring order, an interim barring order, an emergency barring order or a protection order must be preceded by the issue and service of a summons in the Form 59.12, Schedule C.
- (2) An order of the Court granting the application may be in the Form 59.13, Schedule C.

Clerk to supply copies of orders

11. (1) Where the Court makes, varies or discharges a safety order or a protection order, the Clerk must, in accordance with section 19(1) of the 2018 Act, give or send a certified copy of the order in question as soon as practicable:

- (a) to the applicant for the safety order or, in respect of a protection order, the applicant for the safety order or barring order concerned,
- (b) to the respondent to the application for the safety order or in respect of a protection order, the respondent to the application for the safety order or barring order concerned,
- (c) where the Agency by virtue of section 11 of the 2018 Act made the application for the safety order or, in respect of a protection order, for the safety order or barring order, to the Agency,

by ordinary prepaid post, and

- (d) to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the person for whose benefit the safety order or protection order was made resides, and
- (e) where the order in question is a variation or discharge of a safety order or a protection order and the person for whose benefit the order was made had previously resided elsewhere, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which that person had so resided but only if that member had previously been sent under this rule a copy of such safety order or protection order or any order relating thereto,

by prepaid registered post or, where so agreed with the member of the Garda Síochána concerned, by electronic mail.

(2) Where the Court makes, varies or discharges a barring order or an interim barring order, the Clerk must, in accordance with section 19(2) of the 2018 Act, give or send a certified copy of the order in question as soon as practicable:

- (a) to the applicant for the barring order,
- (b) to the respondent to the application for the barring order,
- (c) where the Agency by virtue of section 11 of the 2018 Act made the application for the barring order concerned, to the Agency,

by ordinary prepaid post, and

- (d) to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which is situate the place in relation to which the application for the barring order was made, and
- (e) where the order in question is a variation or discharge of a barring order or an interim barring order and the place in respect of which the previous order was made is elsewhere, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which is situated that place but only if that member had previously been sent under this rule a copy of such barring order or interim barring order or any order relating thereto,

by prepaid registered post or, where so agreed with the member of the Garda Síochána concerned, by electronic mail.

- (3) Where the Court makes, varies or discharges an emergency barring order, the Clerk must in accordance with section 19(3) of the 2018 Act, give or send a certified copy of the order as soon as practicable:
 - (a) to the applicant for the emergency barring order,
 - (b) to the respondent to the application for the emergency barring order,
 - (c) where the Agency by virtue of section 11 of the 2018 Act made the application for the emergency barring order concerned, to the Agency,

by ordinary prepaid post, and

- (d) to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which is situate the place in relation to which the application for the emergency barring order was made, and
- (e) where the order in question is a variation or discharge of an emergency barring order and the place in respect of which the previous order was made is elsewhere, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which is situated that place but only if that member had previously been sent under this Rule a copy of such emergency barring order or any order relating thereto,

by prepaid registered post or, where so agreed with the member of the Garda Síochána concerned, by electronic mail.

Clerk to notify Gardaí when Protection Order/Interim Barring Order/Emergency Barring Order ceases to have effect

- 12. (1) Where a protection order has been made and:

- (i) the application for a safety order or a barring order has been determined, or
- (ii) the protection order is discharged before the application for a safety order or a barring order has been determined

the Clerk must send notice in the Form 59.14, Schedule C that the protection order has ceased to have effect, by prepaid registered post or, where so agreed with the member of the Garda Síochána concerned, by electronic mail, to the member of the Garda Síochána referred to in rule 11(1)(d) or (e), as the case may be.

- (2) Where an interim barring order has been made and the interim barring order has ceased to have effect otherwise than by expiry of the time for which the order is stated on its face to be in force, the Clerk must send notice in the Form 59.14, Schedule C that the interim barring order has ceased to have effect, by prepaid registered post or, where so agreed with the member of the Garda Síochána concerned, by electronic mail, to the member of the Garda Síochána referred to in Rule 11(2)(d) or (e), as the case may be.
- (3) Where an emergency barring order has been made and the emergency barring order has ceased to have effect otherwise than by expiry of the time for which the order is stated on its face to be in force, the Clerk must send notice in the Form 59.14, Schedule C that the emergency barring order has ceased to have effect, by prepaid registered post or, where so agreed with the member of the Garda Síochána concerned, by electronic mail, to the member of the Garda Síochána referred to in rule 11(3)(d) or (e), as the case may be.

Service

- 13. (1) A summons issued under this Order must be served by the Clerk by prepaid ordinary post upon the person to whom it is directed at least seven days before the date fixed for the hearing of the application. Where, however, the Clerk, having consulted the Judge for the time being assigned to the Court District in which the summons is being issued, otherwise certifies on the summons that the proceedings are urgent, the summons may be served at least two days before the date fixed for the hearing.
- (2) The Clerk must endorse on the original of every such summons served the date and place of posting of the envelope containing the copy summons for service and the party to whom the envelope was posted (or such other particulars of service as are appropriate to the case) and that endorsement shall be *prima facie* evidence of such service.
- (3) The summons shall be deemed to be issued when it has been signed by the Judge or the Clerk. It shall be deemed to be served at the time at

which the said envelope would be delivered in the ordinary course of post.

- (4) Without prejudice to the power of the Court to give such a direction of its own motion, a request for a direction under section 18(4) of the 2018 Act may be made *viva voce* at the time the order is made or if made subsequently may be made *ex parte* at any sitting of the Court for the Court District.
- (5) The Court may, for the purpose of ensuring the expeditious hearing of applications under the 2018 Act in accordance with section 31 of the 2018 Act, direct or deem sufficient service of a document under the 2018 Act by other means, including by electronic mail, where it is satisfied that such service is likely to bring, or has brought, the document to the attention of the person to be served.

Effect of appeal from orders

14. (1) In accordance with section 20 of the 2018 Act, notwithstanding the provisions of Order 25, r.9(4) and Order 101 and that an appellant has entered into a recognisance for appeal:
 - (a) an appeal from a safety order or a barring order shall, if the Court or the Circuit Court so determines (but not otherwise), stay the operation of the order on such terms (if any) as may be imposed by the court making the determination;
 - (b) an appeal from a protection order, an interim barring order or an emergency barring order shall not stay the operation of the order.
- (2) An application to the Court to stay the operation of a safety order or a barring order under the terms of section 20 of the 2018 Act, may be made following the service and lodgment of a notice of appeal and lodgment of the recognisance for appeal and when made otherwise than upon the occasion of the making of those orders must be preceded by the issue of a notice in the Form 59.15, Schedule C which must be served upon the respondent to the application two days before the hearing of the application.
- (3) Where the Court grants a stay on the operation of a safety order or a barring order under this rule, and the Clerk has supplied the copies of the orders as directed by rule 11, the Clerk must send notification of the granting of the stay in the Form 59.16, Schedule C to the same persons and in the manner directed by rule 11.”

Schedule 2

No. 59.1

DOMESTIC VIOLENCE ACT 2018, section 6(2)

SUMMONS FOR A SAFETY ORDER

Schedule C

O.59, r.4(1)

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, atm. to answer the application of the *applicant *(or the Child and Family Agency on behalf of the applicant by virtue of section 11 of the above-mentioned Act) who is

*the spouse (within the meaning of section 2 of the 2018 Act) of the respondent

*the civil partner (within the meaning of section 2 of the 2018 Act) of the respondent

*not the spouse or civil partner of the respondent and is not related to the respondent within a prohibited degrees of relationship, but was in an intimate relationship with the respondent 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 parent of a child whose other parent is the respondent

and who resides at *(in the Court District aforesaid) for a safety order prohibiting you from using or threatening to use violence against, molest or put in fear the *applicant *or any dependent person(s); * watching or besetting the place where the applicant *and that dependent person(s) reside(s) *and following or communicating (including by electronic means) with the applicant *and that dependent person(s).

[Set out any additional orders sought under section 11 of the Guardianship of Infants Act 1964; section 5, 5A, 5B, 6, 7 or 21A of the Family Law (Maintenance of Spouses and Children) Act 1976; section 9 of the Family

Home Protection Act 1976; the Child Care Act 1991 or section 45 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.]

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 13 of the Domestic Violence Act 2018, 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.

***IT IS AN OFFENCE** under section 34 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, as applied by section 14 of the Domestic Violence Act 2018, for a civil partner to **DISPOSE OF OR REMOVE ANY OF THE HOUSEHOLD CHATTELS** in the shared home pending the determination of the application herein, and if a safety order is made, while that order is in force (unless the other civil partner consents or the Court permits it). A civil partner 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**

No. 59.2

DOMESTIC VIOLENCE ACT 2018

section 6

SAFETY ORDER

Schedule C
O.59, r. 4(2)

District Court Area of

District No.

..... Applicant

..... Respondent

THE APPLICATION of *the applicant of *(in the Court District aforesaid) (*or the Child and Family Agency on behalf of the applicant by virtue of section 11 of the above-mentioned Act) for a safety order against, the above-named respondent of pursuant to the provisions of section 6 of the above Act coming, by summons duly served, before the Court this day,

AND THE COURT on the evidence given being of opinion that there are reasonable grounds for believing that the *safety/welfare of the applicant *and any dependent person so requires,

NOW THE COURT

HEREBY PROHIBITS the respondent from

*using or threatening to use violence against, molesting or putting in fear the applicant or that dependent person,

*watching or besetting the place where the applicant *or dependent person(s) reside(s),

*following or communicating (including by electronic means) with *the applicant *the dependent person(s).

THIS ORDER SHALL REMAIN IN FORCE FOR/UNTIL

*SAVE AND EXCEPT

*AND THE COURT in accordance with section 29 of the above Act RECOMMENDS to the respondent that *he *she engage with a programme or service to address an issue relating to the behaviour which contributed to the application for the order being made, namely *a programme for perpetrators of

domestic violence *an addiction service *a counselling or psychotherapy service *a financial planning service *[or specify any other recommendation].

*AND THE COURT being satisfied *that there are reasonable grounds for believing that the respondent who was not present in Court when this order was made, will try and evade service of the order *[insert other reason] DIRECTS under section 18(4) of the above Act that this order be served personally on the respondent by a member of An Garda Síochána within the period of

This day of 20

Signed
Judge of the District Court

To
of,
Respondent

***WARNING**

A respondent who contravenes this order commits an offence and may be arrested without warrant by a member of the Garda Síochána, and on conviction shall be liable to a Class B fine, being a fine not exceeding €4,000 or to twelve months imprisonment or to both.

A copy of this order is being sent to the Garda Síochána station at

***IT IS AN OFFENCE** under section 9 of the Family Home Protection Act 1976, as applied by section 13 of the Domestic Violence Act 2018, for a spouse to **DISPOSE OF OR REMOVE ANY OF THE HOUSEHOLD CHATTELS** while this order is in force unless the other spouse consents or the Court on application 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.

***IT IS AN OFFENCE** under section 34 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, as applied by section 14 of the Domestic Violence Act 2018, for a civil partner to **DISPOSE OF OR REMOVE ANY OF THE HOUSEHOLD CHATTELS** in the shared home while this order is in force unless the other civil partner consents or the Court permits it. A civil partner 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

No. 59.3

DOMESTIC VIOLENCE ACT 2018, section 7(2)

SUMMONS FOR A BARRING ORDER

Schedule C

O.59, r. 5(1)

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 Child and Family Agency on behalf of the applicant by virtue of section 11 of the above-mentioned Act) who is

*the spouse (within the meaning of section 2 of the 2018 Act) of the respondent

*the civil partner (within the meaning of section 2 of the 2018 Act) of the respondent

*is not the spouse or civil partner of the respondent and is not related to the respondent within a prohibited degree of relationship but lived with the respondent in an intimate relationship prior to this application for a barring order

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

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.

[Set out any additional orders sought under section 11 of the Guardianship of Infants Act 1964; section 5, 5A, 5B, 6, 7 or 21A of the Family Law (Maintenance of Spouses and Children) Act 1976; section 5 or 9 of the Family Home Protection Act 1976; the Child Care Act 1991 or section 45 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.]

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 13 of the Domestic Violence Act 2018, 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.

***IT IS AN OFFENCE** under section 34 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, as applied by section 14 of the Domestic Violence Act 2018, for a civil partner to **DISPOSE OF OR REMOVE ANY OF THE HOUSEHOLD CHATTELS** in the shared home pending the determination of the application herein, and if a barring order is made, while that order is in force (unless the other civil partner consents or the Court permits it). A civil partner 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

No. 59.4

DOMESTIC VIOLENCE ACT 2018

section 7

BARRING ORDER

Schedule C
O.59, r. 5(2)

District Court Area of

District No.

..... Applicant

..... Respondent

THE APPLICATION of *the above-named applicant *(of the Child and Family Agency on behalf of the applicant by virtue of section 11 of the above mentioned Act) for a barring order against the above-named respondent pursuant to the provisions of section 7 of the above Act coming, by summons duly served, before the Court this day,

AND THE COURT on the evidence given being satisfied that the applicant, *and any dependent person(s) reside(s) for the purpose of the section at *(in the Court District aforesaid)

AND BEING OF OPINION that there are reasonable grounds for believing that the *safety/welfare of the applicant *and/*any dependent person(s) requires the making of this order,

NOW THE COURT HEREBY DIRECTS YOU, the respondent, to leave the place where the *applicant *and any dependent person(s) reside(s) at *(in the Court District aforesaid) on being notified of the making of this order,

AND PROHIBITS YOU FROM entering that place until the day of 20, without leave of the Court

*SAVE AND EXCEPT

*AND FURTHER PROHIBITS YOU from

using or threatening to use violence against *the applicant/any dependent person; molesting or putting in fear *the applicant/any dependent person; attending at or in the vicinity of, or watching or besetting a place where, *the applicant/any dependent person resides during the period aforesaid; following or communicating (including by electronic means) with *the applicant *any dependent person.

*AND THE COURT in accordance with section 29 of the above Act RECOMMENDS to the respondent that *he *she engage with a programme or

service to address an issue relating to the behaviour which contributed to the application for the order being made, namely *a programme for perpetrators of domestic violence *an addiction service *a counselling or psychotherapy service *a financial planning service *[or specify any other recommendation].

*AND THE COURT being satisfied *that there are reasonable grounds for believing that the respondent who was not present in Court when this order was made, will try and evade service of the order *[insert other reason] DIRECTS under section 18(4) of the above Act that this order be served personally on the respondent by a member of An Garda Síochána within the period of

Dated this day of 20.....

Signed
Judge of the District Court

To
of
Respondent

WARNING

A respondent who contravenes this order, or who, while this order is in force, refuses to permit the applicant or any dependent person to enter in and remain in the place to which this order relates or does any act for the purpose of preventing the applicant or such dependent person from so doing commits an offence and may be arrested without warrant by a member of the Garda Síochána, and shall be liable on conviction to a Class B fine, being a fine not exceeding €4,000 or to twelve months imprisonment or to both.

A copy of this order is being sent to the Garda Síochána station at

*IT IS AN OFFENCE under section 9 of the Family Home Protection Act 1976, as applied by section 13 of the Domestic Violence Act 2018, for a spouse to DISPOSE OF OR REMOVE ANY OF THE HOUSEHOLD CHATTELS while this order is in force unless the other spouse consents or the Court on application 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.

*IT IS AN OFFENCE under section 34 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, as applied by section 14 of the Domestic Violence Act 2018, for a civil partner to DISPOSE OF OR REMOVE ANY OF THE HOUSEHOLD CHATTELS in the shared home while this order is in force unless the other civil partner consents or the Court permits it. A civil partner 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

No. 59.5

DOMESTIC VIOLENCE ACT 2018, section 8

NOTICE OF MOTION FOR AN INTERIM BARRING ORDER

Schedule C

O.59, r. 6(1)(i)

District Court Area of

District No.

Record number:

..... Applicant

..... Respondent

A summons for a barring order has been issued against you the above-named respondent ofin court *(area and) district aforesaid *(and is due to be heard at on theday of20...)

TAKE NOTICE that Applicant in the above proceedings will apply to the District Court sitting at..... on the day of 20.... at a.m./p.m. (the “return date”) for an interim barring order against you under section 8(1) of the Domestic Violence Act 2018

†directing you, to leave, the place where *the applicant *a dependent person, namely, resides

prohibiting you from entering, the place where *the applicant * a dependent person, namely, resides until further order of the Court or until such other time as the Court shall specify

*prohibiting you from using or threatening to use violence against, molesting or putting in fear, *the applicant * the said dependent person

*prohibiting you from attending at or in the vicinity of, or watching or besetting, the said place where *the applicant *the said dependent person resides

*prohibiting you from following or communicating (including by electronic means) with *the applicant *the said dependent person.

on the grounds that:

(a) there is an immediate risk of significant harm to *the applicant *the said dependent person, and

(b) the making of a protection order would not be sufficient to protect *the applicant *the said dependent person

*This application will be supported by the *affidavit of sworn on the day of 20.... *information of

Signed:.....

*(Solicitor for) applicant

To.....

of.....

*(Solicitor for the) respondent

And to District Court Clerk at

This notice of motion was filed at..... on the day of 20.... with the District Court Clerk assigned to the above Court area and district and issued returnable to the return date given above.

*Delete where inapplicable

†This order may only be sought if the respondent is residing at the place where the applicant or the dependent person resides

No. 59.6

Schedule C
O.59, r. 6(1)(ii)

Domestic Violence Act 2018, section 8

Information

District Court Area of District No.

..... Applicant

..... Respondent

The information of *the above-named applicant of

*(or of the Child and Family Agency on behalf of the applicant by virtue of section 11 of the above-mentioned Act) who says on oath:-

On theday of.....20....., I caused a summons for hearing at the District Court at on the ... day of 20...; at am./pm. to be issued against the above-named respondent of, applying for a barring order in respect of

*(in the Court District aforesaid) being the place where I *and any dependent person reside(s).

I now request an Interim Barring Order against the respondent pursuant to the provisions of section 8 of the above-named Act on the grounds:- [*Set out in detail the facts supporting the application.*]

I say that there is an immediate risk of significant harm to me *and *or any dependent person if this order is not made immediately, and the granting of a Protection Order would not be sufficient to protect me *and *or any dependent person. [*Set out in detail the nature and extent of the immediate risk of significant harm to the applicant or dependent person*]

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

Signed

Informant

Sworn before me this ...day of, 20....

Signed
Judge of the District Court

To of.....

24 [79]

Respondent.

*Delete where inapplicable

No. 59.7

Schedule C
O.59, r. 6(3)

DOMESTIC VIOLENCE ACT 2018

section 8

INTERIM BARRING ORDER

District Court Area of District No.

..... Applicant

..... Respondent

WHEREAS *the applicant above-named of *(or the Child and Family Agency on behalf of the applicant by virtue of section 11 of the above-mentioned Act) has issued a summons for a barring order to be heard at the District Court at on the day of 20; at am./pm.,

AND WHEREAS the Court is satisfied that the summons herein dated the day of 20 *was duly served on the respondent *has not yet been served.

AND HAVING HEARD what was alleged on behalf of the applicant †and on behalf of the respondent.

†AND WHEREAS the Court on the evidence given is of opinion that there is an immediate risk of significant harm to the applicant *and *or any dependent person if this order is not made immediately, and the granting of a protection order would not be sufficient to protect the applicant *and any dependent person.

AND WHEREAS the Court on the *information in writing *Affidavit sworn by the applicant is of opinion that there is an immediate risk of significant harm to the applicant *and *or any dependent person if this order is not made immediately, and the granting of a protection order would not be sufficient to protect the applicant *and any dependent person.

AND WHEREAS the Court, having regard to the circumstances of the particular case, considers it necessary or expedient in the interests of justice, to make this order ex parte *and notwithstanding the fact that the summons required by Order 59, rule 5 of the District Court Rules has not been served.

NOW THE COURT HEREBY DIRECTS YOU, the respondent to leave the place where the applicant *and any dependent person reside(s) at * (in the Court District aforesaid) on being notified of the making of this order,

AND PROHIBITS YOU FROM entering such place until the day of, 20 without leave of the Court,

*SAVE AND EXCEPT

*AND FURTHER PROHIBITS YOU from

using or threatening to use violence against *the applicant/*any dependent person; molesting or putting in fear *the applicant/*any dependent person; attending at or in the vicinity of, or watching or besetting a place where the applicant/*any dependent person reside(s); following or communicating (including by electronic means) with the *applicant *any dependent person during the period aforesaid.

TAKE NOTICE THAT THIS ORDER SHALL HAVE EFFECT FOR A PERIOD OF [] WORKING DAYS ONLY FROM ITS DATE, that is until the day of 20, unless on application to this Court by the applicant and made on notice to you this order is confirmed within that period.

Application may be made to this Court by you or on your behalf to vary or discharge this order.

There are served on you with this order (or there will as soon as practicable be served on you) a copy of the *information *Affidavit grounding the application for this order *and a note of the evidence given by the Applicant on said application.

*AND THE COURT being satisfied *that there are reasonable grounds for believing that the respondent who was not present in Court when this order was made, will try and evade service of the order *[insert other reason] DIRECTS under section 18(4) of the above Act that this order be served personally on the respondent by a member of An Garda Síochána within the period of

Dated this day of 20

Signed
Judge of the District Court

To
of, Respondent.

WARNING

A respondent who contravenes this order, or who, while this order is in force refuses to permit the applicant or any dependent person to enter in and remain in the place to which this Order relates or does any act for the purpose of preventing the applicant or such dependent person from so doing commits an offence and may be arrested without warrant by a member of the Garda Síochána, and on conviction shall be liable to a Class B fine, being a fine not exceeding €4,000 or to twelve months imprisonment or to both.

A copy of this order is being sent to Garda Síochána Station at

*Delete where inapplicable

†Delete where Order is made ex parte

□Delete where Order is made inter partes

No. 59.8

Schedule C
O.59, r. 8 (1)

Domestic Violence Act, 2018
section 10

Information

District Court Area of

District No.

..... Applicant

..... Respondent

The information of *the above-named applicant, of

(in the Court District aforesaid) (or of the Child and Family Agency
on behalf of the applicant by virtue of section 11 of the above mentioned Act)
who says on oath:-

On the day of 20...., I caused a summons for hearing at District
Court on the ... day of20.... to be issued against the above-named
respondent of applying pursuant to the provisions of *section 6 of the
above Act for a safety order *section 7 of the above Act for a barring order in
respect of *(in the Court District aforesaid) being the place where I
*and any dependent person reside(s)).

I now request a protection order against the respondent pursuant to the
provisions of section 10 of the above Act on the grounds that:- [*Set out in
detail the facts supporting the application.*]

Dated this ... day of 20..

Signed
Informant

Sworn before me this day of 20...

Signed
Judge of the District Court

*Delete where inapplicable

No. 59.9

Schedule C
O.59, r. 8(2)

DOMESTIC VIOLENCE ACT 2018

section 10

PROTECTION ORDER

District Court Area of

District No.

..... Applicant

..... Respondent

WHEREAS *the above-named applicant who resides at *(in the Court District aforesaid) *(or the Child and Family Agency on behalf of the applicant by virtue of section 11 of the above mentioned Act) has caused a summons to issue for hearing at a sitting of the Court at on the day of 20 at a.m./p.m. pursuant to the provisions of section *6/*7 of the above Act for a *safety/*barring order against the above-named respondent residing at *(in the Court District aforesaid) which application has not yet been determined by the Court;

AND WHEREAS the Court is satisfied that the summons herein dated the day of 20 *was duly served on the respondent *has not yet been served.

AND HAVING HEARD what was alleged on behalf of the applicant †and on behalf of the respondent.

†AND WHEREAS the Court on the evidence given is of opinion that there are reasonable grounds for believing that the safety or welfare of the above-named applicant *and (a) dependent person(s), so requires.

AND WHEREAS the Court on the *information in writing *Affidavit sworn by the applicant is of opinion that there are reasonable grounds for believing that the safety or welfare of the above-named applicant *and (a) dependent person(s), so requires.

AND WHEREAS the Court, having regard to the circumstances of the particular case, considers it necessary or expedient in the interests of justice, to make this order ex parte *and notwithstanding the fact that the summons required by Order 59, rule *4/*5 of the District Court Rules has not been served. THE COURT HEREBY PROHIBITS the above-named respondent from using or threatening to use violence against, molesting or putting in fear the above-named applicant *or any dependent person(s), and

*FURTHER PROHIBITS the respondent from watching or besetting the place where the applicant *or (a) dependent person(s) reside(s), and

*FURTHER PROHIBITS the respondent from following or communicating (including by electronic means) with *the applicant *any dependent person(s).

*SAVE AND EXCEPT

*AND THE COURT being satisfied *that there are reasonable grounds for believing that the respondent who was not present in Court when this order was made, will try and evade service of the order *[insert other reason] DIRECTS under section 18(4) of the above Act that this order be served personally on the respondent by a member of An Garda Síochána within the period of

TAKE NOTICE that this order shall cease to have effect on the determination by the court of the application for a *safety/*barring order pursuant to the provisions of section *6/*7 of the above Act.

Application may be made to this Court by you or on your behalf to vary or discharge this order.

There are served on you with this order (or there will as soon as practicable be served on you) a copy of the *information *Affidavit grounding the application for this order *and a note of the evidence given by the applicant on said application.

Dated this day of 20

Signed
Judge of the District Court

To
of

Respondent

WARNING

A respondent who contravenes this order commits an offence and may be arrested without warrant by a member of the Garda Síochána, and on conviction for a first offence, shall be liable to a Class B fine, being a fine not exceeding €4,000 or to twelve months imprisonment, or to both.

A copy of this order is being sent to the Garda Síochána station at

*Delete where inapplicable

†Delete where Order is made ex parte

Delete where Order is made inter partes

No. 59.10

Schedule C
O.59, r. 9(1)

Domestic Violence Act 2018
section *6 *7 *8 *9*10

Summons to vary a *safety *barring *interim barring *emergency barring
order *protection order

District Court Area of

District No.

..... Applicant

..... Respondent

YOU ARE HEREBY REQUIRED to appear at the District Court at on the ... day of 20.., at m. to answer the application of the *(applicant) *(Child and Family Agency on behalf of the applicant by virtue of section 11 of the above-mentioned Act),*respondent of to have the *safety order *barring order *interim barring order *emergency barring order *protection order made on the day of 20... at the District Court at varied as follows:-

Dated this ... day of 20...

Signed
Judge of the District Court or District Court Clerk

To
of
*applicant *respondent

*Delete where inapplicable

No. 59.11

Schedule C
O.59, r.9 (2)

Domestic Violence Act, 2018
section *6 *7 *8 *9 *10

Order varying a *safety *barring *interim barring *emergency barring
*protection order

District Court Area of

District No.

..... Applicant

..... Respondent

THE APPLICATION of the above-named *(applicant) *(Child and Family Agency on behalf of the applicant by virtue of section 11 of the above-mentioned Act) *(respondent) for an order varying the *safety order *barring order *interim barring order *emergency barring order *protection order made by the District Court at on the ... day of 20... coming by summons duly served before the Court on this date,

THE COURT, having considered the evidence tendered,

HEREBY VARIES the order as follows:-

*AND THE COURT being satisfied *that there are reasonable grounds for believing that the respondent who was not present in Court when this order was made, will try and evade service of the order *[insert other reason] DIRECTS under section 18(4) of the above Act that this order be served personally on the respondent by a member of An Garda Síochána within the period of

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

Signed
Judge of the District Court

To
of
*applicant *respondent

*Delete where inapplicable

No. 59.12

Schedule C
O.59, r.10(1)

Domestic Violence Act, 2018
section 21

Summons to discharge a *safety *barring *interim barring *emergency barring
*protection 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 above-named *(applicant) *(Child and Family Agency on behalf of the applicant by virtue of section 11 of the above-mentioned Act) *(respondent) of for the discharge of the *safety order *barring order *interim barring order *emergency barring order *protection order made on the ... day of 20... at the District Court at on the grounds that the safety and welfare of the applicant *and* or any dependent person for whose protection the order was made does not require that the order should continue in force.

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

Signed

*Judge of the District Court *District Court Clerk

To

of

*applicant *respondent

*Delete where inapplicable

No. 59.13

Schedule C
O.59, r.10(2)

Domestic Violence Act, 2018

section 21

Order discharging a *safety *barring *interim barring *emergency barring
*protection order

District Court Area of District No.
..... Applicant
..... Respondent

THE APPLICATION of the above-named *(applicant) *(Child and Family Agency on behalf of the applicant by virtue of section 11 of the above-mentioned Act) *(respondent) for the discharge of the *safety order *barring order *interim barring order *emergency barring order *protection order made on the ... day of 20..., at the District Court at coming by summons duly served before the Court on this date, and

BEING OF THE OPINION on the evidence that the safety and welfare of the applicant *and *or any dependent person for whose protection the order was made does not require that the order should remain in force,

THE COURT ORDERS that the *safety order *barring order *interim barring order *protection order be discharged.

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

Signed
Judge of the District Court

To
of

*applicant *respondent

*Delete where inapplicable

No. 59.14

Schedule C
O.59, r.12(1)

Domestic Violence Act 2018

Notice that *interim barring *emergency barring *protection order has ceased
to have effect

District Court Area of

District No.

..... Applicant, of

..... Respondent, of

TAKE NOTICE that the *interim barring order *emergency barring order
*protection order made in the above matter on the ... day of 20.. has now
ceased to have effect.

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

Signed

District Court Clerk

To the member in charge of the Garda Síochána station
at

* Delete where inapplicable

No. 59.15

Schedule C
O.59, r.14(2)

Domestic Violence Act 2018

Application for a stay on the operation of a *safety order *barring order

District Court Area of

District No.

..... Applicant

..... Respondent

TAKE NOTICE that the *applicant *(or the Child and Family Agency on behalf of the applicant by virtue of section 11 of the above mentioned Act)*respondent will apply at the sitting of the District Court at on the ... day of 20..., for a stay on the operation of the *safety order *barring order made on the ... day of 20... under the terms of section 20 of the above Act.

This ... day of 20....

Signed
*Solicitor for *Applicant *Respondent

To
of
*applicant *respondent

* Delete where inapplicable

Schedule C
O.59, r.14(3)

Domestic Violence Act 2018

Order staying operation of a *safety order *barring order

District Court Area of

District No.

..... Applicant

..... Respondent

THE APPLICATION of the above-named *applicant *(or the Child and Family Agency on behalf of the applicant by virtue of section 11 of the above mentioned Act) *respondent for an order staying the operation of the *safety order *barring order made by the District Court at on the ... day of 20..., coming by notice duly served before the Court on this date,

THE COURT, having considered the evidence tendered,

HEREBY ORDERS a stay on the operation of the said *safety order *barring order pending the appeal lodged *subject to the following terms-

Dated this ... day of 20...

Signed
Judge of the District Court

Toof.....Applicant
.....ofRespondent

* Delete where inapplicable

No. 59.17

Schedule C
O.59, r. 7(1)

Domestic Violence Act 2018, section 9

SUMMONS FOR AN EMERGENCY 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, atm. to answer the application of the *applicant *(or the Child and Family Agency on behalf of the applicant by virtue of section 11 of the above-mentioned Act) who is

*not the spouse or civil partner of the respondent and is not related to the respondent within a prohibited degree of relationship but lived with the respondent in an intimate relationship prior to the application for the emergency barring order

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

and who resides at *(in the Court District aforesaid) for an emergency 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 the day of, 20 (being a period not exceeding eight working days) on the grounds that there are reasonable grounds for believing that there is an immediate risk of significant harm to *the applicant *a dependent person if an order is not made immediately.

[Set out any additional orders sought in accordance with section 15 of the Domestic Violence Act 2018.]

Dated this day of 20

Signed
Judge of the District Court/District Court Clerk

To
of

40 [79]

Respondent

*Delete where inapplicable

No. 59.18

Schedule C
O.59, r. 7(2)

Domestic Violence Act 2018

section 9

Information

District Court Area of

District No.

..... Applicant

..... Respondent

The information of *the above-named applicant, of *(in the Court District aforesaid)* (or of the Child and Family Agency on behalf of the applicant by virtue of section 11 of the above mentioned Act) who says on oath:-

I request an emergency barring order against the respondent pursuant to the provisions of section 9 of the above Act on the grounds that:-

[Set out in detail the facts supporting the application.]

Dated this ... day of 20..

Signed
Informant

Sworn before me this day of 20...
Signed
Judge of the District Court

*Delete where inapplicable

No. 59.19

Schedule C
O.59, r. 7(4)

Domestic Violence Act 2018
Section 9

EMERGENCY BARRING ORDER

District Court Area of

District No.

..... Applicant

..... Respondent

WHEREAS *the applicant above-named of *(or the Child and Family Agency on behalf of the applicant by virtue of section 11 of the above-mentioned Act) has applied for an emergency barring order at the District Court at on the day of 20; at am./pm.,

AND HAVING HEARD what was alleged on behalf of the applicant †and on behalf of the respondent.

†AND WHEREAS the Court on the evidence given is of the opinion that there are reasonable grounds for believing that there is an immediate risk of significant harm to the applicant *and *or any dependent person if this order is not made immediately.

AND WHEREAS the Court on the *information in writing *Affidavit sworn by the applicant is of the opinion that there are reasonable grounds for believing that there is an immediate risk of significant harm to the applicant *and *or any dependent person if this order is not made immediately.

AND WHEREAS the Court, having regard to the circumstances of the particular case, considers it necessary or expedient in the interests of justice, to make this order ex parte.

NOW THE COURT HEREBY DIRECTS YOU, the respondent to leave the place where the applicant *and any dependent person reside(s) at * (in the Court District aforesaid) on being notified of the making of this order,

AND PROHIBITS YOU FROM entering such place until the day of, 20,

*SAVE AND EXCEPT

*AND FURTHER PROHIBITS YOU from using or threatening to use violence against *the applicant/*any dependent person; molesting or putting in fear *the applicant/*any dependent person;

attending at or in the vicinity of, or watching or besetting a place where the applicant/*any dependent person reside(s); following or communicating (including by electronic means) with the applicant or a dependent person.

during the period aforesaid.

*AND THE COURT being satisfied *that there are reasonable grounds for believing that the respondent who was not present in Court when this order was made, will try and evade service of the order *[insert other reason] DIRECTS under section 18(4) of the above Act that this order be served personally on the respondent by a member of An Garda Síochána within the period of

TAKE NOTICE THAT THIS ORDER SHALL HAVE EFFECT FOR A PERIOD OF [] WORKING DAYS ONLY FROM ITS DATE, that is until the day of 20

Application may be made to this Court by you or on your behalf to vary or discharge this order.

There are served on you with this order (or there will as soon as practicable be served on you) a copy of the *information *Affidavit grounding the application for this order *and a note of the evidence given by the Applicant on said application.

Dated this day of 20

Signed
Judge of the District Court

To
of
Respondent.

WARNING

A respondent who contravenes this order, or who, while this order is in force refuses to permit the applicant or any dependent person to enter in and remain in the place to which this Order relates or does any act for the purpose of preventing the applicant or such dependent person from so doing commits an offence and may be arrested without warrant by a member of the Garda Síochána, and on conviction shall be liable to a Class B fine, being a fine not exceeding €4,000 or to twelve months imprisonment or to both.

A copy of this order is being sent to Garda Síochána Station at

*Delete where inapplicable

†Delete where Order is made ex parte

Delete where Order is made inter partes

EXPLANATORY NOTE

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

These Rules amend Order 59 and 61A of the District Court Rules to facilitate the operation of the Domestic Violence Act 2018.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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