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PRACTICE DIRECTION NO. 5 OF 2004

MAGISTRATE'S COURT DOMESTIC PROCEEDINGS

This Practice Direction is in relation to applications for Domestic Violence Orders ("D.V.I.'s") and Non-Removal Orders ("N.R.O.'s"). It is intended to assist those concerned as well as the Court.

Problems can arise when Applicants give their (normally personally distressing) evidence, even in ex-parte applications. It also helps the Court if some details of the circumstances are given to it in advance. To this end a concise statement, signed by the Advocate or Applicant, should accompany applications for D.V.I.'s or N.R.O.'s setting out the salient facts on which it is proposed to rely. If an ex-parte order is granted this statement of facts should be served on the Respondent with the order. In inter partes cases the statement should accompany the papers to be served on the Respondent. At an ex-parte hearing the Applicant can be referred to this statement either to refresh their memory or to adopt it, as may be appropriate.

J.R. Finch
C.A. McMillen

21st June 2004.