



In the Royal Court of the Island of Guernsey

The

Orders of the Royal Court II 2025

IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

16th day of June, 2025 before Sir Richard McMahon, Bailiff; present:- Stephen Murray Jones, OBE, Claire Helen Le Pelley, Jonathan Grenfell Hooley, Steven John Morris, David John Robilliard, Stuart Michael Crisp, Marilyn Jasmine King, Tina Jane Le Poidevin, Paul Martin Burnard, Felicity Jane Quevâtre, Simon Ernest Bodkin, Jillian Clark, Kay Alison Parnwell, Sally-Ann May David, Jurats.

No.II Order, 2025

ENTITLED

THE DOMESTIC ABUSE PROTECTION ORDER (PROCEDURE) RULES,

2025

The Domestic Abuse Protection Order (Procedure) Rules, 2025

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The Domestic Abuse Protection Order (Procedure) Rules, 2025

THE ROYAL COURT in exercise of the powers conferred upon it by section 48 of the Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024^a and section 2(2) of the Evidence in Civil Proceedings (Guernsey and Alderney) Law, 2009^b, and all other powers enabling it in that behalf, hereby makes the following Rules:-

Scope of these Rules

Scope of these Rules.

1. (1) Subject to paragraph (2), these Rules apply to proceedings in any court of the Bailiwick under Part II of the Law.

(2) These Rules do not apply to criminal proceedings in respect of offences contained in Part II of the Law (for which the usual criminal procedure will apply).

Applications

Requirements applicable to all applications.

2. (1) This rule applies to any application for a DAPO, or for the variation or discharge of a DAPO, irrespective of the section of the Law under which the application is made.

^a Order in Council No. VII of 2025.

^b Order in Council No. X of 2010.

(2) For the avoidance of doubt, the reference to an "**application for a DAPO**" in these Rules does not apply to the making of a DAPO following criminal proceedings (for which see rule 12).

(3) The application must be –

- (a) in Form A set out in Schedule 1,
- (b) accompanied by a signed and dated witness statement containing a declaration of truth, and
- (c) subject to paragraph (4), accompanied by a copy of any other evidence in the applicant's possession that the applicant relies upon in support of the application.

(4) If it is not possible or practicable to copy or file a particular item of evidence under paragraph (3)(c), the application must include a notice identifying that evidence.

(5) The applicant may decline to reveal the address of C in the application in which case, provided the application is accompanied by a completed Form B set out in Schedule 2, C's address must not be revealed to any person during the proceedings, unless directed by the Court.

(6) Where these Rules require a particular form to be used –

- (a) the form may be expanded to include additional pages where that is necessary, and
- (b) every part of that form applicable to the application to which it relates must be completed, and any documents required to be attached must be attached,

in accordance with the instructions contained in that form.

(7) If the applicant does not appear at the time appointed for a hearing of the matter, the Court may dismiss the application.

Application for a DAPO after giving R a DAPN.

3. (1) This rule applies where an application for a DAPO is made by His Majesty's Procureur or a police officer in accordance with section 28 of the Law (application for a DAPO where a DAPN has been given).

(2) The application must be accompanied by a copy of the DAPN.

(3) The documents required under rule 2(3) and 2(4) must be made available to R and, if C wishes to see that material, C as soon as reasonably practicable.

(4) Without prejudice to the generality of paragraph (3), the requirement of that paragraph may be complied with by –

(a) in the case of material deemed by the applicant to be too sensitive to copy and provide to a person entitled to access under paragraph (3), permitting inspection of that material,

(b) in respect of other materials, making a copy of those materials available for collection by R and (if applicable) C from premises occupied by law enforcement in the island in which the application is to be heard, and

- (c) taking reasonable steps to inform R and (if applicable) C that those materials are so available to inspect or collect (as the case may be).

(5) His Majesty's Procureur or a police officer must contact the Greffier for the purpose of identifying a date and time for the first hearing, so as to –

- (a) ensure compliance with the 72-hour time limit stipulated in section 28(2) of the Law, and
- (b) enable a notice of first hearing to be given to R by a police officer in accordance with section 28(4) of the Law.

Other applications on notice.

4. (1) This rule applies where a person makes an application on notice for –

- (a) a DAPO in circumstances where a DAPN has not been given to R, or
- (b) the variation or discharge of a DAPO.

(2) The applicant must file sufficient copies of the documents required under rule 2(3) and 2(4) for the purpose of service under paragraph (4).

(3) Upon receipt of the documents mentioned in paragraph (2) the Greffier must –

- (a) fix a date and time for the hearing, and
- (b) notify the applicant of that hearing date.

(4) Upon being notified of the hearing date, the applicant must instruct the Sergeant to serve on each relevant person not less than four clear days before the date on which the application will be heard –

- (a) a copy of the documents mentioned in paragraph (2),
and
- (b) a notice of the hearing.

(5) A "**relevant person**" for the purpose of this rule means any of the following who are not the applicant,

- (a) R,
- (b) C,
- (c) if the application is for the variation or discharge of a DAPO that was made otherwise than on application by C, His Majesty's Procureur.

(6) An application marked, in accordance with rule 24 –

- (a) with the letter "A" or "B", shall enable the matter to proceed in all respects,
- (b) with the letter "C", shall not enable the matter to proceed unless any one of the circumstances listed in paragraph (7) apply, in which case the matter may proceed in all respects.

(7) The circumstances referred to in paragraph (6)(b) are that –

- (a) the person who was to be served appears (in person or by their advocate) for the hearing of the matter, or

(b) the Court is satisfied that that person has notice of the document.

(8) Where an application has been served on another person in accordance with this rule, it may be amended only with leave of the Court.

Further provisions concerning applications to vary or discharge a DAPO.

5. Where an application is to vary or discharge a DAPO –

(a) the application must be accompanied by a copy of the DAPO, and

(b) the statement required under rule 2(3)(b) must –

(i) set out the reasons for making the application,

(ii) include what, if any, material circumstances have changed since the Court made the DAPO, or last determined an application under this rule in respect of it, and

(iii) if it is not the first time the applicant has made such an application in respect of the same DAPO, give details of each previous application.

Response to applications for a DAPO.

6. (1) A person served with an application for a DAPO may file a response, in which case such a response –

(a) must be in Form C set out in Schedule 3,

- (b) must be accompanied by a signed and dated witness statement of the person filing the response and containing a declaration of truth,
- (c) subject to paragraph (2), must be accompanied by a copy of any other evidence in the possession of the person filing the response that the person relies upon in support of the response, and
- (d) must be accompanied by sufficient copies of the documents mentioned in subparagraphs (a) to (c) and paragraph (2) for the purpose of service under paragraph (4).

(2) If it is not possible or practicable to copy or file a particular item of evidence under paragraph (1)(c), the response must include a notice identifying that evidence.

(3) Where an application for a DAPO is being made by His Majesty's Procureur or a police officer –

- (a) C is not automatically a party to the proceedings, and
- (b) if C wishes to file a response in accordance with this rule, C must indicate in the response whether C wishes to be joined as a party to the proceedings.

(4) The person filing the response must as soon as reasonably practicable instruct the Sergeant to serve a copy of the documents referred to in paragraph (1)(d) on –

- (a) the applicant, and

(b) anyone who received a copy of the application, other than the person submitting the response.

(5) Where a response has been served on another person in accordance with this rule, it may be amended only with leave of the Court.

Response to applications for a variation or discharge of a DAPO.

7. (1) A person served with an application to vary or discharge a DAPO, may file a response, in which case such a response –

- (a) must be in Form C set out in Schedule 3,
- (b) unless the response is from His Majesty's Procureur, must be accompanied by a signed and dated witness statement of the person filing the response and containing a declaration of truth,
- (c) subject to paragraph (2), must be accompanied by a copy of any other evidence in the possession of the person filing the response that the person relies upon in support of the response, and
- (d) must be accompanied by sufficient copies of the documents mentioned in subparagraphs (a) to (c) and paragraph (2) for the purpose of service under paragraph (4).

(2) If it is not possible or practicable to copy or file a particular item of evidence under paragraph (1)(c), the response must include a notice identifying that evidence.

(3) Where an application to vary or discharge a DAPO is being made by His Majesty's Procurer or a police officer, or is being made by R in respect of a DAPO that was made otherwise than on application by C –

- (a) C is not automatically a party to the proceedings, and
- (b) if C wishes to file a response in accordance with paragraph (1), C must indicate in the response whether C wishes to be joined as a party to the proceedings.

(4) The person filing the response must as soon as reasonably practicable instruct the Sergeant to serve a copy of the documents referred to in paragraph (1)(d) on –

- (a) the applicant, and
- (b) anyone who received a copy of the application, other than the person submitting the response.

(5) Where a response has been served on another person in accordance with this rule, it may be amended only with leave of the Court.

Application made without notice.

8. (1) This rule applies where a person makes an application without notice for –

- (a) a DAPO in circumstances where a DAPN has not been given to R, or
- (b) the variation of a DAPO.

(2) The witness statement required under rule 2(3)(b) must explain why notice has not been given to R and why the Court is being asked to proceed without such notice being given.

(3) The applicant must file the documents required under rule 2(3) and 2(4).

(4) Upon receipt of the documents mentioned in paragraph (3) the Greffier must –

(a) fix a date and time for the hearing, and

(b) notify the applicant of that hearing date.

(5) If the Court is not satisfied at the hearing that the grounds in section 32 or 41(6) of the Law are met, the Court may give directions for the application to be made on notice under rule 4.

Representations after application without notice.

9. (1) This rule applies where the Court grants an application made without notice being given to R.

(2) The Court must arrange a hearing at which R may make representations to the Court.

(3) Notice of the hearing must –

(a) be served by the Sheriff on R with the DAPO, and

(b) inform R of the right to make representations at the hearing.

(4) The applicant and, if not the applicant, C, must be notified by the Court of the date and time of the hearing.

(5) If R wishes to make representations, R must file a response using Form C set out in Schedule 3.

(6) If R, without reasonable excuse, does not appear at the time appointed for the hearing to give R the opportunity to make representations, the Court may disregard a Form C filed under paragraph (5).

Joinder of C to the application.

10. (1) This rule applies where, by virtue of rule 6(3)(a) or 7(3)(a), C is not automatically a party to an application.

(2) C may make an application to the Court for C to be joined as a party to the proceedings.

(3) Where C has indicated in a response under rule 6(3)(b) or 7(3)(b) that they wish to be added as a party to the proceedings, the Court may treat that as an application under paragraph (2) of this rule.

(4) As soon as practicable after receiving an application under paragraph (2), the Court must do one of the following—

- (a) grant the application without a hearing,
- (b) invite written representations as to whether the application should be granted, to be filed within a specified period, and on expiry of that period either –
 - (i) determine the application, or
 - (ii) make an order under subparagraph (c),

(c) order that the application be considered at a hearing, fix a date for that hearing and determine the application at that hearing.

(5) The Court must give directions to ensure that notice of the Court's decision under paragraph (4) is given to —

(a) C,

(b) R, and

(c) the applicant (if not C or R).

(6) If C has been joined as a party to the proceedings under this rule, C may apply to the Court to cease to be a party.

Withdrawal of an application before it is determined.

11. (1) Subject to paragraph (2), an application that has been filed may be withdrawn by the applicant at any time before it is determined, by filing a notice of withdrawal in Form D set out in Schedule 4.

(2) An application made by C may only be withdrawn by C with leave of the Court.

(3) Upon the matter being withdrawn, the Court must give directions to ensure the applicant and any person who received a copy of the application is made aware of that fact.

DAPO made following criminal proceedings

DAPO made following criminal proceedings.

12. If His Majesty's Procureur intends to request that the Court make a DAPO at the conclusion of criminal proceedings (whether on conviction or acquittal)

under section 29 of the Law, His Majesty's Procureur must, as soon as practicable and without waiting for the verdict, serve on the defendant –

- (a) a draft of the proposed DAPO,
- (b) notice in writing providing the detail that would be provided if an application for a DAPO were to be made by His Majesty's Procureur,
- (c) a copy of any evidence not already introduced in the criminal proceedings that His Majesty's Procureur wishes the Court to consider in the application for the DAPO or, if it is not possible or practicable to copy or serve that evidence, a notice identifying that evidence, and
- (d) a notice warning the defendant that a DAPO can be made –
 - (i) irrespective of the verdict, and
 - (ii) in the defendant's absence if the defendant fails to attend a hearing to determine whether a DAPO should be made.

Court powers and case management

General powers of the Court.

13. (1) The Court may –
- (a) determine an application for a DAPO solely on the papers submitted,

- (b) adjourn or bring forward a hearing,
- (c) give directions as to the steps to be taken in the proceedings, including in respect of the disclosure or inspection of material,
- (d) exclude an issue from determination if of the opinion that the determination of that issue is unnecessary in order to achieve justice in the proceedings,
- (e) deal with any matter in the absence of R and, if C has been added as a party, C,
- (f) take any other step, including the giving, varying or revoking of directions, or make any other order for the purpose of managing the case.

(2) When determining whether to make a DAPO, or whether to vary or discharge a DAPO, the Court may make such directions as it thinks fit in order to ensure that –

- (a) it has all the information and evidence it requires to enable it to—
 - (i) consider the matters to which it must have regard under the Law,
 - (ii) determine whether the conditions for making a DAPO are satisfied, and
 - (iii) determine whether a particular requirement should be imposed in a DAPO,

- (b) the parties to the proceedings have sufficient opportunity to consider and respond to the evidence relied upon by another party, and
- (c) where a party wishes to secure legal representation for the proceedings, the party has had sufficient time to do so.

Prohibition of improper disclosure of documents.

14. (1) This rule applies where a relevant person receives documents in the course of proceedings to which these Rules apply and either –

- (a) the Court has not yet decided whether any hearing relating to those proceedings will be heard in open court or in camera, or
- (b) the Court has determined that the proceedings will be held in camera.

(2) Where this rule applies, a relevant person must not, except with leave of the Court, disclose that material to any other person other than –

- (a) the advocate acting for that relevant person, or
- (b) the Legal Aid Administrator or a member of staff of the Legal Aid Administrator authorised for that purpose.

(3) For the avoidance of doubt, a contravention of this rule by a relevant person can result in contempt of court proceedings against that person under the customary law.

(4) In this rule "**relevant person**" means R or C.

Order for disclosure against a third party.

15. (1) This rule applies where an application is made to the Court for disclosure by a person who is not a party to the proceedings ("**the third party**").

(2) The Court must give directions to ensure that the third party has an opportunity to make representations on the application.

(3) The Court may make an order for such disclosure only where it is in the interests of justice to do so.

(4) An order under this rule must specify the document or the classes of documents that the third party must disclose, and the manner of disclosure.

(5) This rule is without prejudice to any other power to order the disclosure of material, whether under any other enactment or the customary law.

Request for documentation held by the Court.

16. (1) A person may apply to the Court for the disclosure of a document held by the Court on the grounds that the document was filed in, or arises out of, proceedings under these Rules.

(2) The application should –

(a) identify the document or documents being requested, whether by general description or otherwise, and

(b) set out the reasons for the request.

(3) On receipt of the application, the Court may –

(a) decide whether a hearing is required to determine the application,

- (b) give directions as to service of the application on other persons concerned in the DAPO proceedings, and
- (c) give any other directions as are deemed necessary or appropriate for the purpose of case management of the application.

(4) On determination of the application, the Court may grant or refuse the request.

(5) This rule is without prejudice to any other power to disclose material, whether under any other enactment or the customary law.

Evidence

Duty to disclose evidence.

17. At a hearing to which these Rules apply a party may not, without leave of the Court, adduce or seek to rely on evidence that the party has not, prior to the hearing commencing, disclosed to another party.

Disapplication of hearsay provisions.

18. A notice of a proposal to adduce hearsay evidence under section 2 of the Evidence in Civil Proceedings (Guernsey and Alderney) Law, 2009 is not required in proceedings to which these Rules apply.

Positive Requirements

Including a positive requirement in a DAPO.

19. (1) The Court's obligation under section 34(3) of the Law to receive evidence from a supervisor about the suitability and enforceability of a requirement that R do something (a "**positive requirement**") may be satisfied by the supervisor giving evidence orally or in writing.

(2) Where the Court makes a DAPO that includes a positive requirement, or varies a DAPO in a way that introduces or alters a positive requirement –

(a) the documents to be served on R must include information telling R –

(i) the obligations that R must comply with under sections 34(5) and 34(6) of the Law, and

(ii) the supervisor's identity and the means by which the supervisor may be contacted, and

(b) the Court must give directions to ensure that the supervisor is provided with a copy of the DAPO.

(3) If the Court discharges a DAPO that includes a positive requirement, the Court must give directions to ensure that notice of the discharge is given to the supervisor.

Service of a DAPO and related notifications

Service of a DAPO.

20. (1) Upon the Court making or varying a DAPO, the applicant must as soon as reasonably practicable instruct the Sheriff to serve on R, –

(a) the DAPO, and

(b) if the DAPO was made or varied without notice to R –

(i) subject to paragraph (2), a copy of the application together with a copy of any other documentation filed by the applicant,

(ii) a statement informing R that R may request from the Court a transcript of the proceedings, and

(iii) a notice in accordance with rule 9(3).

(2) The Court may direct that R must not receive a particular document under paragraph (1)(b)(i), in which case R will instead be served with a notice informing R how R can inspect those documents.

(3) Where the Court makes a DAPO on application or varies a DAPO, the Court must give directions to ensure that the applicant and C (if not the applicant) receives a copy.

(4) Where the Court makes a DAPO under section 29 of the Law (DAPOs made following criminal proceedings), the Court must give directions to ensure that His Majesty's Procureur and C receive a copy.

(5) Where a copy of a DAPO is served on C in accordance with this rule, it must be accompanied by a notice informing C how to make an application to vary or discharge the DAPO.

Notifying the police of successful service.

21. (1) Paragraph (2) applies where R has been—

- (a) served with a DAPO, or
- (b) informed of the terms of a DAPO, including where this relates to R being informed of a DAPO being varied.

(2) The Sheriff must send via email to the relevant police officer, at an email address designated by that officer for that purpose –

- (a) where paragraph (1)(a) applies, confirmation of service and whether (in accordance with rule 24) the document was marked A, B, or C, or
- (b) where paragraph (1)(b) applies, confirmation that R was so informed.

(3) The email referred to in paragraph (2) must be sent within 24 hours of R being served with, or informed of the terms of, the DAPO (as the case may be).

(4) In this rule "**relevant police officer**" means –

- (a) the Chief Officer of the salaried police force of the Island of Guernsey if –
 - (i) it appears R resides in the Island of Guernsey or Alderney, or
 - (ii) it is uncertain where R lives, or it does not appear that R resides in the Bailiwick, and the court that made the DAPO is situated in Guernsey or Alderney,
- (b) the Constable of Sark if -
 - (i) it appears R resides in the Island of Sark, or
 - (ii) it is uncertain where R lives, or it does not appear that R resides in the Bailiwick, and the Court of the Seneschal made the DAPO.
 - (iii)

Notifying R and C of a discharge of a DAPO.

22. Where the Court discharges a DAPO, it must give directions to ensure that a copy of the order discharging the DAPO is provided to R and C.

Appeals

Appeals.

23. (1) This rule applies to appeals against a decision to make, vary or discharge a DAPO, other than an appeal under section 44(3) or 44(4) of the Law, for which the usual criminal procedure relating to appeals will apply.

(2) Subject to paragraph (3), a person wishing to appeal against a decision must file an appeal notice within 14 days of that person receiving notice of the decision.

(3) The appeal court may allow an appeal to be made to it after the end of the period specified in paragraph (2) if it is satisfied that there is a good reason for –

- (a) the failure to appeal before the end of the applicable period, and
- (b) any delay since then in applying for permission to appeal out of time.

(4) The notice must –

- (a) if the appeal is to the Royal Court, be in Form E set out in Schedule 5,
- (b) if the appeal is to the Court of Appeal, be in Form F set out in Schedule 6,

(c) specify the grounds of the appeal, and

(d) be signed by the appellant or the appellant's advocate.

(5) An appeal notice that has been filed may be subsequently amended with leave of the appeal court.

(6) The appellant must instruct the Sergeant to serve a copy of the appeal notice on any of the following who are not the appellant –

(a) R,

(b) C, and

(c) unless the DAPO relating to the appeal was made on application by C, His Majesty's Procureur.

(7) If the appellant is R, and the DAPO relating to the appeal was made on application by C, C is a party to the appeal.

(8) If C receives an appeal notice in circumstances where His Majesty's Procureur is either the appellant or has also received an appeal notice, C will only be a party to the appeal if –

(a) C was joined as a party in the proceedings in which the decision being appealed against was made, or

(b) C files a request in Form G set out in Schedule 7 within 7 days, indicating that they wish to be joined as a party, and the appeal court agrees to join C as a party.

(9) The appeal court may extend the time specified in paragraph (8)(b).

(10) The appeal court must act in accordance with paragraph (11) once –

- (a) in respect of an appeal in which C would only become a party on a request under paragraph (8)(b), the appeal court has determined such a request or the time limit for filing such a request has expired (whichever is the later), or
- (b) in any other case, the notice of appeal has been served in accordance with paragraph (6).

(11) The appeal court must –

- (a) identify a date for the appeal,
- (b) give to the appellant and each person who received an appeal notice written notice confirming the date of the appeal,
- (c) give a copy of any request received under paragraph (8)(b) to –
 - (i) the appellant, and
 - (ii) if His Majesty's Procureur received a copy of the appeal notice, His Majesty's Procureur, and
- (d) give directions on the filing of skeleton arguments, evidence and authorities to the appellant and any of the following who are not the appellant –

- (i) if His Majesty's Procureur received a copy of the appeal notice, His Majesty's Procureur,
- (ii) R,
- (iii) if C is a party to the appeal, C.

(12) The appeal court may, if it considers it necessary, hold case management hearings prior the hearing of the appeal.

(13) If a person who received an appeal notice is not present at the hearing of the appeal, the Court must give directions to ensure that notice of the decision on appeal is given to that person.

(14) An appellant may at any time abandon the appeal by filing written notice with the appeal court, and on such notice being given the appeal shall be taken to have been dismissed.

(15) In this rule "**the appeal court**" means the court hearing the appeal in accordance with the Law.

Further provisions concerning service of documents

Service within the jurisdiction.

24. (1) Subject to paragraph (4), where the Sergeant or the Sheriff (as the case may be) is required under these Rules to serve a document on an individual, this service must be effected –

- (a) by giving the document to the individual in person,
- (b) by delivering the document to the individual's home address, or

- (c) if the individual has given an alternative address for service in the proceedings concerned, by delivering the document to that address for service.

(2) Where a person has given an address for service as mentioned in paragraph (1)(c) –

- (a) that person may change that address, although this change is not effective until written notice is given to the Greffier and all other parties, and
- (b) the address for service, or any change made under paragraph (a), shall remain valid until the application is determined.

(3) Subject to paragraph (4), the Sergeant or the Sheriff (as the case may be), having effected service of a document in accordance with paragraph (1), or having attempted so to effect service, shall mark the document as follows –

- (a) in the case of service under paragraph (1)(a) or (1)(c), with the letter "A",
- (b) in the case of service under paragraph (1)(b) where the Sergeant or the Sheriff left the document at that home address with a person who appeared to be a reliable adult and who undertook to bring the document to the attention of the person to be served, with the letter "B",
- (c) otherwise, with the letter "C".

(4) If the Court makes an order for substituted service, the manner and proof of service must instead be in accordance with that order.

Service on His Majesty's Procureur.

25. Service of a document on His Majesty's Procureur must be effected –
- (a) by the Sergeant or the Sheriff (as the case may be) leaving the document at the Chambers of the Law Officers of the Crown, or
 - (b) in such other manner as the Court may direct including, without limitation, substituted service.

Substituted service within the jurisdiction.

26. (1) Where service of a document in the Bailiwick in the manner required by these Rules would, but for the provisions of this rule, be impracticable or would entail undue expense, the Court –

- (a) may make such order for substituted or other service, whether by notice, by advertisement or otherwise, as it thinks just, and
- (b) if it does so, must direct how such service is to be proven.

(2) A party may apply for an order under this rule, in which case they must file an affidavit in support of that application.

Service out of the jurisdiction.

27. (1) The Court may give leave to effect service of a document out of the jurisdiction.

(2) The Court must not make an order under paragraph (1) unless satisfied that the matter to which the document relates –

- (a) is properly justiciable before the Court, and

- (b) is a proper one for service out of the jurisdiction.
- (3) An order of the Court under paragraph (1) must state –
 - (a) the form, manner and time in which, and conditions subject to which, service is to be effected, and
 - (b) the minimum period that must elapse between the date of service and the date upon which the matter may be pursued.
- (4) Where the Court makes an order under paragraph (1), proof of service in accordance with the order shall be by affidavit or, where service was effected by the Sergeant, in accordance with rule 24(3).

Power to dispense with service.

28. Notwithstanding any rule requiring any document to be served on any person, the Court may direct that the requirement for service in any particular case shall be dispensed with, or that any time specified for complying with a requirement may be reduced or may direct that service in any such case shall be deemed to have been properly effected in accordance with these Rules.

Court fees and costs

Fees.

29. (1) In this rule, "fees" mean any fees charged in respect of proceedings to which these Rules apply and which would be due under any other enactment, whether in respect of hearings, the service of documents or otherwise.

(2) No fees may be charged to the Chief Officer of the salaried police force of the Island of Guernsey, the Constable of Sark or His Majesty's

Procureur, unless the application or appeal (as the case may be) was frivolous, vexatious or an abuse of process.

(3) Fees chargeable to anyone else may be waived by the Court, the Sheriff or the Sergeant (as the case may be) at their discretion.

Costs.

30. The Court may only award costs against an unsuccessful applicant or appellant in proceedings to which these Rules apply if the application or appeal (as the case may be) was frivolous, vexatious or an abuse of process.

General provisions

Interpretation.

31. In these Rules –

"**advocate**" means an advocate of the Royal Court of Guernsey,

"**appeal court**": see rule 23(15),

"**application for a DAPO**": see rule 2(2),

"**C**" means, as the context requires, –

(a) the person who will be protected by the DAPO applied for or being considered by the Court of its own initiative, if the DAPO is made, or

(b) the person who is being protected by the DAPO, where a DAPO has been made,

"**clear day**" means a period of 24 hours ending at midnight and does not include any non-business day,

"**the Court**" means, unless the context requires otherwise, the court that will, in accordance with the Law, determine the application,

"**DAPN**" means a domestic abuse protection notice,

"**DAPO**" means a domestic abuse protection order,

"**declaration of truth**" in relation to a witness statement, means a statement that either –

- (a) contains a declaration that would in criminal proceedings comply with section 1(2)(b) of the Administration of Justice (Bailiwick of Guernsey) Law, 1991^c, or
- (b) alternatively contains a declaration by the person making the statement ("P") to the effect that it is true to the best of P's knowledge and belief and that P understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement to be tendered in civil proceedings without an honest belief in its truth,

"**fees**": see rule 29(1),

"**file**", in relation to a document, means deliver to the Court for the purpose of proceedings under these Rules,

"**His Majesty's Procureur**" includes a person authorised by His Majesty's Procureur, either generally or for a specific application or class of

^c Order in Council No. I of 1991; this enactment has been amended.

application, to carry out His Majesty's Procureur's functions under Part II of the Law,

"the Law" means the Domestic Abuse and Related Proceedings (Bailiwick of Guernsey) Law, 2024,

"Legal Aid Administrator" means the person appointed under section 2 of the Legal Aid (Bailiwick of Guernsey) Law, 2003^d to hold that office,

"personally connected" has the meaning given by section 5 of the Law,

"positive requirement": see rule 19(1),

"R" means the person against whom a DAPO is sought or against whom the DAPO has been made (as the case may be),

"relevant police officer": see rule 21(4),

"the Sergeant" means –

- (a) in the case of proceedings before a court in the Island of Guernsey, His Majesty's Sergeant or Deputy Sergeant of the Royal Court,
- (b) in the case of proceedings before the Court of Alderney, the Greffier appointed under section 20 of the Government of Alderney Law, 2004^e and includes any Deputy Greffier so appointed and any other

^d Order in Council No. VI of 2004; this enactment has been amended.

^e Order in Council No. III of 2005; this enactment has been amended.

person appointed by the Greffier to act on the Greffier's behalf,

- (c) in the case of proceedings before the Court of the Seneschal, the Prévôt appointed under section 49 of the Sark (Reform) Law, 2008^f and includes any Deputy Prévôt or Assistant Deputy Prévôt so appointed,

"the Sheriff" means –

- (a) in the case of proceedings before a court in the Island of Guernsey, His Majesty's Sheriff or Deputy Sheriff of the Royal Court,
- (b) in the case of proceedings before the Court of Alderney, the Greffier appointed under section 20 of the Government of Alderney Law, 2004 and includes any Deputy Greffier so appointed and any other person appointed by the Greffier to act on the Greffier's behalf,
- (c) in the case of proceedings before the Court of the Seneschal, the Prévôt appointed under section 49 of the Sark (Reform) Law, 2008 and includes any Deputy Prévôt or Assistant Deputy Prévôt so appointed,

"the supervisor" has the meaning given in section 34(2) of the Law, and

"the third party": see rule 15(1).

^f Order in Council No. V of 2008; this enactment has been amended.

Extent.

32. These Rules shall have effect in the Bailiwick of Guernsey.

Citation.

33. These Rules may be cited as the Domestic Abuse Protection Order (Procedure) Rules, 2025.

Commencement.

34. These Rules shall come into force on the day that they are made.

SCHEDULE 1

Rule 2(3)(a)

FORM A
APPLICATION FOR, OR IN RESPECT OF,
A DOMESTIC ABUSE PROTECTION ORDER

The Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024
("the Law")

The Applicant

Applicant's name:

Applicant's address (if not being withheld under rule 2(5)):

.....
.....

Address for service (if different to the above address):

.....
.....

The Respondent

Name and address of person ("Respondent") against whom a domestic abuse protection order ("DAPO") is sought or was made.

Respondent's name:

Respondent's address:

.....
.....

Person Being, or to be, Protected

Is the address of the person to be, or being, protected by the DAPO being withheld under rule 2(5)?

Yes:

No:

If yes, complete Form B in addition to Form A.

Is the Applicant the person to be, or being, protected by the DAPO?

Yes:

No:

If no, insert the name and address of the person to be, or being, protected by the DAPO:

Name:

Address (if not being withheld under rule 2(5)):

.....
.....
.....

DAPN Details

Is this an application for a DAPO following a DAPN being given to the Respondent?

Yes:

No:

If yes, attach the DAPN

Personal Connection

Provide details of how the person to be, or being, protected by the DAPO and the Respondent are personally connected (see section 5 of the Law).

.....
.....
.....

Applications to Vary or Discharge

Is this an application to vary or discharge an existing DAPO?

Yes: No:

If yes, attach a copy of the DAPO.

NB: the witness statement in support of an application to vary or discharge a DAPO must set out the reasons for making the application and must include what, if any, material circumstances have changed since the Court made the DAPO, or last determined an application to vary or discharge it. If it is not the first time the Applicant has made such an application in respect of the same DAPO, it must also give details of each previous application.

Reasons for Application

Give concise reasons for the application (further detail can be provided in the witness statement in support):

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The Supervisor

NB: a DAPO that requires something to be done must have a person responsible for supervising compliance with this requirement (section 34(2) of the Law).

Do any of the proposed requirements require a supervisor to be appointed?

Yes: No:

If yes –

- a) if a suitable supervisor has been identified, provide details of the proposed supervisor below, and
- b) if reasonably practicable, attach evidence from the proposed supervisor to confirm the suitability and enforceability of the requirement proposed (see section 34(3) of the Law).

Proposed supervisor's name:

Proposed supervisor's profession:

(e.g. "probation officer")

Proposed supervisor's address (which can be a professional address):

.....
.....
.....
.....

Other Court Orders

Give details, if known, of any other court order or injunction to which the Respondent is or was previously subject and that was made in order to protect an individual or individuals from the Respondent, including any previous DAPO made against the Respondent.

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.....

Unsuccessful Applications

Gives details, if known, of any other application for a court order or injunction in respect of the Respondent, including a DAPO, that was refused by a court in the Bailiwick.

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.....

Existing Notification Requirements

Give details, if known, of any notification requirements unrelated to this application (such as those imposed on conviction of a sexual offence, or in respect of a separate DAPO) that the Respondent is already subject to.

.....
.....
.....

Notice to the Respondent

Is this application to be made with or without notice being given to the Respondent?

With Without

If this is an application under s.27(3) of the Law (DAPO application made by HM Procureur or a police officer following the giving of a DAPN) and the Respondent was not given a notice of the first hearing because the Respondent declined to provide an address under s.24(4) of the Law, detail the reasonable efforts that were made to give the Respondent notice of the first hearing:

.....
.....
.....
.....
.....

If this is any other type of application being made without notice, the witness statement in support of the application must explain why notice has not been given to the Respondent and why the Court is being asked to proceed without such notice being given.

Supporting Evidence

NB: This application must be supported by a signed and dated witness statement containing a declaration of truth. You may also attach other supporting evidence to your application. You must not disclose material from other legal proceedings (such as family proceedings) without leave of the court dealing with those proceedings.

Do you wish to rely upon the oral evidence of a witness at the hearing of the application?

Yes: No:

If yes, provide the name of each such witness below and wherever possible attach a signed and dated witness statement from that witness, covering the issues on which the witness is being called to give evidence.

Name:

Name:

Name:

NB: With the exception of applications for a DAPO made after giving the Respondent a DAPN (for which see rule 3), you must provide sufficient copies of all paperwork to enable service on those who will receive a copy of this application.

Declaration of Truth

The Applicant should sign the statement of truth below.

"I believe that the facts stated in this application form are true and I understand that this form and any supporting evidence relied upon by me may be disclosed to the Respondent."

Applicant's signature:

Name:

Date:

Rank/profession*

**(if made by a police officer or on behalf of His Majesty's Procureur)*

If this application is made by the person to be, or being, protected by the DAPO and the Applicant is represented by an advocate, insert their details below.

Advocate's Name:

Name of practice:

Consent by His Majesty's Procureur

If this application is being made by a police officer, please include below the written consent of HM Procureur or a person authorised by HM Procureur (see s.27(4) of the Law).

"I am [His Majesty's Procureur][a person authorised by His Majesty's Procureur to consent to this application] and I consent to this application."

(delete as appropriate)

Signed:

Name:

Date:

SCHEDULE 2

Rule 2(5)

FORM B

**FORM FOR WITHHOLDING ADDRESS OF PERSON TO BE, OR BEING,
PROTECTED BY A DOMESTIC ABUSE PROTECTION ORDER**

The Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024

If you wish to make an application without disclosing to the Respondent the address of the person to be, or being, protected by the DAPO, please write their name and address below. This form will not be disclosed to the Respondent and that address will not be revealed to any person during the proceedings unless directed by the Court.

Name:

Address:

.....
.....
.....

Explain below why you do not wish for the above address to be disclosed to the Respondent.

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.....
.....
.....
.....
.....

SCHEDULE 3

Rule 6(1)(a), 7(1)(a), 9(5)

FORM C

RESPONSE TO AN APPLICATION FOR, OR IN RESPECT OF,
A DOMESTIC ABUSE PROTECTION ORDER

The Domestic Abuse and Related Provisions (Bailiwick of Guernsey) Law, 2024

Case Details

Applicant's Name:

Respondent's name:

Name of person to be, or being, protected by the Domestic Abuse Protection Order ("DAPO"):

.....

Date application form was signed:

Date of first hearing:

Request for Joinder

Are you the person to be, or being, protected by the DAPO?

Yes:

No:

If yes, do you wish to be joined as a party to the proceedings?

Yes:

No:

Supporting Evidence

Do you wish to rely upon the oral evidence of a witness at the hearing of the application?

Yes: No:

If yes, provide the name of each such witness below and wherever possible attach a signed and dated witness statement from that witness, covering the issues on which the witness is being called to give evidence.

Name:

Name:

Name:

NB: You may also attach other supporting evidence to your response. You must provide sufficient copies of all paperwork to enable service on the applicant and any other person who received a copy of the application. You must not disclose material from other legal proceedings (such as family proceedings) without leave of the court dealing with those proceedings.

Declaration of Truth

You must sign the statement of truth below.

"I believe that the facts stated in this response are true and I understand that this form and any supporting evidence relied upon by me may be disclosed to the other parties in these proceedings."

Respondent's signature:

Name:

Date:

If you are represented by an advocate, insert their details below.

Advocate's Name:

Name of practice:

Is the office of your advocate to be your address for service? Yes: No:

SCHEDULE 4

Rule 11(1)

FORM D

APPLICANT'S NOTICE OF WITHDRAWAL

Case Details

Applicant's Name:

Respondent's name:

Name of person to be, or being, protected by the Domestic Abuse Protection Order ("DAPO"):
.....

Date application form was signed:

Briefly summarise the nature of the application (e.g. whether it was an application for a DAPO or for the variation or discharge of an existing DAPO).

.....

Withdrawal of Application

"I am the Applicant and I wish to withdraw my application."

Signed.....

Name.....

Date.....

SCHEDULE 5

Rule 23(4)(a)

FORM E

ON APPEAL TO THE ROYAL COURT FROM THE [GUERNSEY MAGISTRATE'S
COURT/COURT OF ALDERNEY/COURT OF THE SENESCHAL][§]

**NOTICE OF APPEAL UNDER PART II OF THE DOMESTIC ABUSE AND
RELATED PROVISIONS (BAILIWICK OF GUERNSEY) LAW, 2024 IN RESPECT
OF A DOMESTIC ABUSE PROTECTION ORDER.**

Appellant's name:

Decision being appealed:

.....
.....
.....

Name(s) of person(s) to be served with this notice:

.....
.....

[§] Delete as appropriate.

TAKE NOTICE that, on appeal from the aforementioned decision of the [Guernsey Magistrate's Court/Court of Alderney/Court of the Seneschal]^h made on the day of _____, 20____, the appellant will ask the Royal Court to order thatⁱ:

.....
.....
.....
.....

THE GROUNDS of appeal are^j:

.....
.....
.....
.....

(Signed) Date:.....

Appellant or (if represented) advocate's name

^h Delete as appropriate.

ⁱ Insert the order being requested on appeal and use a separate sheet if necessary.

^j State the grounds of the appeal and use a separate sheet if necessary.

SCHEDULE 6

Rule 23(4)(b)

FORM F

ON APPEAL TO THE COURT OF APPEAL FROM THE ROYAL COURT

**NOTICE OF APPEAL UNDER PART II OF THE DOMESTIC ABUSE AND
RELATED PROVISIONS (BAILIWICK OF GUERNSEY) LAW, 2024 IN RESPECT
OF A DOMESTIC ABUSE PROTECTION ORDER.**

Appellant's name:

Decision being appealed:

.....
.....
.....

Name(s) of person(s) to be served with this notice:

.....
.....

TAKE NOTICE that, on appeal from the aforementioned decision of the Royal Court made on the day of , 20 the appellant will ask the Court of Appeal to order that^k:

.....
.....
.....
.....

THE GROUNDS of appeal are^l:

.....
.....
.....
.....

(Signed) Date:.....

Appellant or (if represented) advocate's name

^k Insert the order being requested on appeal and use a separate sheet if necessary.

^l State the grounds of the appeal and use a separate sheet if necessary.

SCHEDULE 7

Rule 23(8)(b)

FORM G

REQUEST BY PERSON WHO WOULD BE, OR IS BEING, PROTECTED BY A
DOMESTIC ABUSE PROTECTION ORDER TO BE ADDED AS A PARTY TO
AN APPEAL

Case Details

Name of appellant:

Name of person against whom a domestic abuse protection order ("DAPO") was sought or made:
.....

Date appeal notice was signed:

Request

"I am the person who would be, or is being, protected by the domestic abuse protection order to which this appeal relates, and I wish to be added as a party to this appeal."

Signed

Name

Date

If you are represented by an advocate, insert their details below.

Advocate's Name:

Name and address of practice:

.....

Is the office of your advocate to be your address for service? Yes: No: