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**GOVERNMENT NOTICE**  
**GOEWERMENTSKENNISGEWING**

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**DEPARTMENT OF JUSTICE**  
**DEPARTEMENT VAN JUSTISIE**

**No. R. 1311**

**5 November 1999**

**REGULATIONS UNDER THE DOMESTIC VIOLENCE ACT, 1998**  
**(ACT NO. 116 OF 1998)**

The Minister of Justice has under section 19 of the Domestic Violence Act, 1998 (Act No. 116 of 1998), made the regulations in the Schedule.

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**SCHEDULE**

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**Definitions**

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

"the Act" means the Domestic Violence Act, 1998 (Act No. 116 of 1998).

**Notice containing information**

2. The notice contemplated in section 2(b) of the Act must contain the information provided for in Form 1 of the Annexure.

**Explanation of notice**

3. For purposes of section 2(c) of the Act a member of the South African Police Service must -

(a) explain to the complainant -

(i) that a member of the South African Police Service will render such assistance as circumstances may require, including assisting or making arrangements to find a suitable shelter and to obtain medical treatment;

(ii) his or her right to apply for a protection order to prohibit the respondent from committing further acts of domestic violence, even if no criminal complaint has been lodged, so as to ensure his or her safety, health and well-being;

(iii) his or her right to lodge a criminal complaint; and

(iv) the purpose of the notice ;

(b) if the complainant is unable to read the notice, read the notice referred to in regulation 2 to the complainant, or take such reasonable steps as may be necessary to have the notice read to the complainant ;

(c) inquire from the complainant whether he or she -

(i) understands the contents of the notice ; and

(ii) requires further information regarding his or her remedies in terms of the Act and the right to lodge a criminal complaint ;

(d) explain, to the best of his or her ability, to the complainant on request -

(i) any part of the notice which the complainant does not understand;

and

(ii) his or her remedies in terms of the Act and the right to lodge a criminal complaint; and

(e) inform the complainant to obtain further information from the clerk of the magistrate's court should questions of the complainant remain unanswered.

#### **Manner of application for protection order**

4. (1) A complainant may apply to the court for a protection order in a form substantially corresponding to Form 2 of the Annexure.

(2) The application referred to in subregulation (1) must be made by way of an affidavit in which must be stated -

- (a) the facts on which the application is based;
- (b) the nature of the order applied for; and
- (c) the name of the police station where the complainant is likely to report any breach of the protection order applied for.

(3) Where the application is brought on behalf of a complainant by another person, the affidavit referred to in subregulation (2) must also set out or contain-

- (a) the grounds on which such person has a material interest in the well-being of the complainant;
- (b) the occupation of such person and capacity in which such person brings the application; and
- (c) except in cases excluded by the provisions of paragraphs (a) to (d) of section 4(3) of the Act, the written consent of the complainant.

**Information to be given by clerk of the court**

5. (1) For purposes of section 4(2) of the Act, the clerk of the court must, if the complainant is not represented by a legal representative -

(a) hand to the complainant a written notice which contains the information provided for in Form 3 of the Annexure, which must, if reasonably possible, be in the official language of the complainant's choice;

(b) read the notice or cause the notice to be read to the complainant, if the complainant is unable to read the notice;

(c) inquire from the complainant whether he or she -

(i) understands the contents of the notice ; and

(ii) requires further information concerning the relief available in terms of the Act and the right to lodge a criminal complaint; and

(d) on request of the complainant, further explain, to the best of his or her ability -

(i) any part of the notice which the complainant does not understand; and

(ii) the relief available in terms of the Act and the right to lodge a criminal complaint.

**Issuing of interim protection order**

6. An interim protection order contemplated in section 5(2) of the Act must be in the form of Form 4 of the Annexure.

**Notice to show cause**

7. The notice calling on the respondent to show cause on the specified return date why a protection order should not be issued, contemplated in section 5(4) of the Act, must be in the form of Form 5 of the Annexure.

**Issuing of protection order**

8. A protection order contemplated in section 6(1) of the Act must be -

- (a) in the event that an interim protection order was issued, in the form of Form 6 of the Annexure; or
- (b) in the event that an interim protection order was not issued, in the form of Form 7 of the Annexure.

**Issuing of warrant of arrest**

9. The warrant of arrest contemplated in section 8(1)(a) of the Act must be authorised and issued in the form of Form 8 of the Annexure.

**Affidavit for further warrant of arrest**

10. An affidavit contemplated in section 8(3) of the Act for purposes of obtaining a second or further warrant of arrest must be in a form substantially corresponding to Form 9 of the Annexure.

**Affidavit regarding contravention of protection order**

11. An affidavit contemplated in section 8(4)(a) of the Act in which it is stated that the respondent has contravened any prohibition, condition, obligation or order contained in a protection order must be in a form substantially corresponding to Form 10 of the Annexure.

**Written notice to respondent to appear before court**

12. (1) The written notice contemplated in section 8(4)(c) of the Act calling on the respondent to appear before a court on a charge of committing the offence referred to in section 17(a) of the Act must be in a form substantially corresponding to Form 11 of the Annexure.

(2) Any respondent who is called upon to appear before the court in accordance with a written notice referred to in subregulation (1) and who fails to-

(a) appear at the place and on the date and time specified in that notice; or

(b) remain in attendance at the proceedings,

shall be guilty of an offence and liable to the punishment prescribed under subregulation (3)(b).

(3) (a) The court may if satisfied from the duplicate original of the notice referred to in section 8(4)(d) of the Act that the notice was handed to the respondent and that the respondent has failed to appear at the place and on the date and time specified in the notice, or if satisfied that the respondent has failed to remain in attendance at the proceedings concerned, issue a warrant for the respondent's arrest.

(b) The court may when the respondent is brought before it, in a summary manner enquire into his or her failure so to appear or to remain in attendance and unless the respondent satisfies the court that his or her failure was not due to any fault on his or her part, convict him or her of the offence referred to in subregulation (2) and sentence him or her to a fine or to imprisonment for a period not exceeding six months.

**Application for variation or setting aside of protection order**

13. An application for the variation or setting aside of a protection order, contemplated in section 10(1) of the Act, must be made in a form substantially corresponding to Form 12 of the Annexure.

**Notice of variation or setting aside of protection order**

14. (1) The notice of the variation or setting aside of a protection order, contemplated in section 10(3) of the Act, must be in the form of Form 13 of the Annexure.

(2) The notice referred to in subregulation (1) must be forwarded by the clerk of the court to the complainant and respondent by handing it to them personally or sending it to them by registered mail.

**Service of documents**

15. (1) Service of any document in terms of the Act or these regulations, except where the Act or regulations provide otherwise, must without delay be effected by-

- (a) the clerk of the court by handing or presenting for handing over a certified copy of the document to the person on whom the document is to be served or sending a certified copy of the document to that person by registered mail and endorsing the original document to this effect;
- (b) the sheriff in terms of the provisions of the Magistrate's Courts Act, 1944 (Act No. 32 of 1944), and Rules published in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985); or

- (c) a peace officer in terms of the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), relating to the service of subpoenas.

(2) The clerk of the court sending a copy of the document in terms of subregulation (1)(a) to the person on whom the document is to be served, must require that proof of receipt thereof be returned to him or her by the relevant postal authority.

(3) A person authorised to effect service in terms of subregulation (1), who is not a member of the South African Police Service, may, in any case where resistance to the service of a document is encountered or is reasonably anticipated, request a member of the South African Police Service to assist him or her with the service of any document provided for in the Act and these regulations.

(4) The complainant or respondent who requires a document to be served in terms of the Act or these regulations shall be responsible for the costs of such service: Provided that the clerk of the court may, after consideration of such proof as he or she may require, direct that the State must be responsible for the costs of any service in terms of the Act or these regulations if he or she is satisfied that the complainant or respondent as the case may be, or both the complainant and respondent, do not have the means to pay for such costs at the time when service is required.

### Short title

16. These regulations shall be called the **Domestic Violence Regulations, 1999**, and shall come into operation on 15 December 1999.



## **ANNEXURE FORM 1**

**[Regulation 2]**

### **NOTICE TO COMPLAINANT IN A CASE OF DOMESTIC VIOLENCE SECTION 2(b) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)**

This notice explains your rights and the steps you may take to protect yourself, your children and/or other members of the shared household. If, after reading this notice, there is anything you do not understand I will to the best of my ability explain the contents to you. If I or other members of the South African Police Service present are unable to answer any of your questions regarding this notice, you may contact the clerk of the magistrate's court for further information.

1. I, as a member of the South African Police Service will render such assistance to you as you may require in the circumstances including assisting or making arrangements to -

- find a suitable shelter ; and/or
- get medical treatment.

2. You may lay a criminal complaint against the person who committed the act of domestic violence (who will now be called the respondent) if the conduct of the respondent constitutes a criminal offence which will be investigated by the police.

3. In addition, you may apply, on any day and at any time, for a protection order at the Magistrate's Court in whose area -

- you reside, carry on business or are employed, permanently or temporary ;
- the respondent resides, carries on business or is employed; or
- the act of domestic violence occurred.

4. I will provide you with an application form if you want to apply for such an order. It is not necessary to lay a criminal charge in order to obtain a protection order.

5. The Court will consider your application and may thereafter issue a temporary order which will -

- only come into effect after it has been delivered to the respondent (the cost of which you have to pay unless you do not have the means to pay therefore) ; and
- be valid for a certain period of time.

6. After such period of time the court will consider to issue a permanent order.

7. In your application you may request the court to prohibit the respondent from -

- committing any act of domestic violence;
- getting the help of another to commit any act of domestic violence;
- entering your workplace, home or the shared residence or any part thereof;
- preventing you or any child who normally lives in the shared residence from entering or remaining in the residence or any part thereof;
- committing any other act determined by the court.

8. You may request the court not to disclose your physical address to the respondent. The court may also, in order to protect you and to provide for your safety, health and wellbeing -

- order that the respondent pay rent, mortgage or other monetary relief (such as medical expenses and loss of income);
- refuse the respondent contact with your children;
- order the seizure of any arm or dangerous weapon in the possession or under the control of the respondent;
- order that a peace officer accompany you to assist you with the collection of your personal property;
- impose any other condition it deems reasonably necessary.

9. The court will, when an order is made, issue a warrant of arrest for the respondent. This means that the respondent may be arrested if he or she fails to comply with any provision of the protection order and after you have given the police the warrant and an affidavit explaining that the respondent has breached the order.

**WARNING:** It is a criminal offence if you knowingly give false information when applying for a protection order or when laying a criminal charge, you will be prosecuted and may be convicted.

**FORM 2**  
**[Regulation 4]**  
**APPLICATION FOR PROTECTION ORDER**  
**SECTION 4(1) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)**

**PART A : APPLICATION** (To be completed by applicant)

**1. PARTICULARS OF COMPLAINANT (Victim of domestic violence)**

Surname :	
Full names :	
Id.No / Date of birth	
Home or temporary address :	
Home/contact telephone number :	
Work address :	
Work telephone number :	
Nature of domestic relationship with person who committed the act of domestic violence (Respondent):	
Occupation :	

**2. PARTICULARS OF PERSON MAKING THE APPLICATION ON BEHALF OF THE COMPLAINANT (if applicable)**

Surname :	
Full names :	
Id.No / Date of birth	
Home address :	
Home/contact telephone number :	

Work address :	
Work telephone number :	
Occupation :	
Capacity in which application is made :	
Nature of relationship with the complainant :	
State reason(s) why application is made on behalf of the complainant:	
Indicate whether written consent of complainant has been obtained : (Delete whichever is not applicable)	<p>Written consent *has been obtained and is attached/is not necessary since the complainant is-</p> <p><input type="checkbox"/> a minor (under the age of 21 years);</p> <p><input type="checkbox"/> mentally retarded;</p> <p><input type="checkbox"/> unconscious;</p> <p><input type="checkbox"/> unable to provide consent because .....</p> <p>.....</p> <p>.....</p> <p>.....</p>

**3. PARTICULARS OF PERSON WHO COMMITTED ACT OF DOMESTIC VIOLENCE (hereafter called the Respondent) - in so far as such particulars are available**

Surname :	
Full names :	
Id.No / Date of birth	
Home address :	



### 5. INFORMATION REGARDING ACTS OF DOMESTIC VIOLENCE

**Give full details regarding all incidents of domestic violence and also indicate whether firearms or other dangerous weapons were used, what injuries have been sustained and whether medical treatment was obtained :**

1. The following information is for your information only. It is not to be used for any other purpose.

2. The following information is for your information only. It is not to be used for any other purpose.

3. The following information is for your information only. It is not to be used for any other purpose.

4. The following information is for your information only. It is not to be used for any other purpose.

5. The following information is for your information only. It is not to be used for any other purpose.

6. The following information is for your information only. It is not to be used for any other purpose.

7. The following information is for your information only. It is not to be used for any other purpose.

8. The following information is for your information only. It is not to be used for any other purpose.

9. The following information is for your information only. It is not to be used for any other purpose.

10. The following information is for your information only. It is not to be used for any other purpose.

#### 6. INFORMATION REGARDING URGENCY OF APPLICATION

**6. INFORMATION REGARDING URGENCY OF APPLICATION**  
*Submit the reasons why the Court has to consider the application as a matter of urgency and why undue hardship may be suffered if the application is not dealt with immediately*

with immediately

**7. TERMS OF PROTECTION ORDER**

*It is requested that the Respondent must be ordered (Mark appropriate box and complete where necessary) :*

(a)	Not to commit any act of domestic violence	
(b)	Not to get the help of another person to commit any act of domestic violence	
(c)	Not to enter the shared residence, situated at .....	
(d)	Not to enter a specified part of the shared residence, namely .....	
(e)	Not to enter the Complainant's residence, situated at .....	
(f)	Not to enter the Complainant's place of employment, namely .....	
(g)	Not to prevent the Complainant or any child who ordinarily live(s) or lived in the shared residence from entering or remaining in the shared residence or any part thereof, to wit .....	
(h)	Not to commit any other act, namely .....	

**8. ADDITIONAL CONDITIONS**

*It is also requested that the Court must order that (mark appropriate box and complete where necessary) :*

(a)	A peace officer, namely, ..... is to accompany the Complainant to assist with arrangements regarding the collection of the Complainant's personal property set out in paragraph 9, below.	
(b)	A member of the South African Police Service is to seize the following arm(s) or dangerous weapon(s) in the possession of the Respondent: .....	
(c)	The Respondent is to pay the following rent or mortgage payments: .....	

(d)	The Respondent is to pay the following emergency monetary relief: ..... ..... .....	
(e)	The Respondent is refused any contact with the following child or children: ..... ..... .....	
(f)	The Respondent is granted the following contact with the above-mentioned child or children: ..... ..... .....	
(g)	The physical address of the Complainant's residence not be disclosed to the Respondent	
(i)	Other conditions requested : ..... ..... .....	

**9. PERSONAL PROPERTY**

<i>Property description:</i>	<i>Grounds on which property is considered to be personal property :</i>	<i>Address where property is kept:</i>

10. I am likely to report a breach of the Protection Order at the \_\_\_\_\_  
Police Station.

**DEPONENT**

(Person who applies for order)

**DATE**

**PART B : CERTIFICATION** (for official use)

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

(a) Do you know and understand the contents of the above declaration?

Answer \_\_\_\_\_.

(b) Do you have any objection to taking the prescribed oath?

Answer \_\_\_\_\_.

(c) Do you consider the prescribed oath to be binding on your conscience?

Answer \_\_\_\_\_.

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

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ \*19/20 \_\_\_\_\_.

**Justice of the Peace / Commissioner of Oaths**

Full Names \_\_\_\_\_

Designation \_\_\_\_\_

Area for which appointed \_\_\_\_\_

Business Address \_\_\_\_\_

\*Delete whichever is not applicable



**FORM 3****[Regulation 5]****INFORMATION NOTICE TO COMPLAINANT****SECTION 4(2) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT 116 NO. OF 1998)**

1. You may lay a criminal complaint against the person who committed the act of domestic violence (hereafter called the respondent) if the conduct of the respondent constitutes a criminal offence which will be investigated by the police.
2. You may apply, on any day and at any time, for a protection order at the Magistrate's Court in whose area -
  - you reside, carry on business or are employed, permanently or temporary ;
  - the respondent resides, carries on business or is employed;
  - the act of domestic violence occurred.
3. I am able to provide you with an application form if you want to apply for such an order. It is not necessary to lay a criminal charge in order to obtain a protection order.
4. The Court will consider your application and may thereafter issue a temporary order which will -
  - only come into effect after it has been delivered to the respondent (the cost of which you will have to pay unless you do not have the means to pay therefore) ; and
  - be valid for a certain period of time.
5. After such period of time the Court will consider to issue a permanent order.
6. In your application you may request the Court to prohibit the respondent from -
  - committing any act of domestic violence;
  - enlisting the help of another to commit any act of domestic violence;
  - entering your home or the shared residence or any part thereof;
  - entering a specified part of the shared residence;
  - entering your workplace;
  - preventing you or any child who normally lives in the shared residence from entering or remaining in the residence or any part thereof;
  - committing any other act determined by the Court.
7. You may request the Court not to disclose your address to the respondent. The Court may also, in order to protect you and to provide for your safety, health and well-being -
  - order that the respondent pay rent, mortgage or other monetary relief (such as loss of earnings and medical expenses);
  - refuse the respondent contact with your children;
  - order the seizure of any arm or dangerous weapon in the possession or under the control of the respondent;
  - order that a peace officer accompany you to assist you with the collection of your personal property; and
  - impose any other condition it deems reasonably necessary.
8. The Court will, when an order is made, issue a warrant of arrest for the respondent, which means that the respondent may be arrested if he or she fails to comply with any provision of the protection order.

**WARNING:** It is a criminal offence if you should knowingly make a false allegation against the respondent in an affidavit.

**FORM 4**  
**[Regulation 6]**  
**INTERIM PROTECTION ORDER**  
**SECTION 5(2) OF THE DOMESTIC VIOLENCE ACT, 1998(ACT NO. 116 OF 1998)**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_ / \_\_\_\_\_

In the matter between:

**APPLICANT:** \_\_\_\_\_  
 (\*Id.No./Date of Birth: \_\_\_\_\_)

**AND**

**RESPONDENT:** \_\_\_\_\_  
 (\*Id.No./Date of Birth: \_\_\_\_\_)

**1. PARTICULARS OF RESPONDENT**

Home Address: \_\_\_\_\_  
 \_\_\_\_\_ (Tel.No. \_\_\_\_\_)

Work Address: \_\_\_\_\_  
 \_\_\_\_\_ (Tel.No. \_\_\_\_\_),

Occupation: \_\_\_\_\_

**2. PARTICULARS OF APPLICATION**

The **Applicant** has applied for a Protection Order against the **Respondent** as per the affidavit(s) and record of oral evidence(if any) attached, which application has been considered by the Court.

**3. ORDER BY COURT AND PARTICULARS OF ORDER**

**3.1 The Court orders that :**

**3.1.1 \*The application for a Protection Order is dismissed; or**

**3.1.2 \*An Interim Protection Order is granted; and the Respondent is ordered-**

**3.1.2.1 \*not to commit the following act(s) of domestic violence** \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_;

**3.1.2.2** \*not to enlist the help of another person to commit the acts of domestic violence specified in paragraph 3.1.2.1;

**3.1.2.3** \*not to enter the shared residence at \_\_\_\_\_

**3.1.2.4** \*not to enter the following parts of the shared residence \_\_\_\_\_

at \_\_\_\_\_;

**3.1.2.5** \*not to enter the Complainant's residence at \_\_\_\_\_

**3.1.2.6** \*not to enter the Complainant's place of employment at \_\_\_\_\_

**3.1.2.7** \*not to prevent the Complainant or any child who ordinarily live(s) or lived in the shared residence at \_\_\_\_\_

from entering or remaining in the shared residence, or any part thereof;

**3.1.2.8** \*not to commit any of the following acts, to wit \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

**3.1.2.9** \*to make rent or mortgage payments in the sum of R\_\_\_\_\_ per month / annum;

**3.1.2.10** \*to pay the sum of R\_\_\_\_\_ to the Complainant as emergency monetary relief.

#### **4. ADDITIONAL ORDERS**

##### **4.1 It is further ordered that :**

**4.1.1** \*A peace officer, namely, \_\_\_\_\_ accompanies the Applicant to the following residence in order to assist with arrangements regarding the collection of personal property, i.e. \_\_\_\_\_

\_\_\_\_\_;

**4.1.2** \*A member of the South African Police Service at \_\_\_\_\_ seizes the following arm(s) or dangerous weapon(s) in the possession of the Respondent, i.e. \_\_\_\_\_

\_\_\_\_\_;

**4.1.3** \*The Complainant's physical address not be disclosed to the Respondent;

**4.1.4** \*The Respondent is ordered not to have any contact with the following child(ren) \_\_\_\_\_

4.1.5 \*The Respondent is allowed contact with the following child(ren) \_\_\_\_\_

on the following basis: \_\_\_\_\_

4.1.6 \*The Respondent \_\_\_\_\_

4.2 A Warrant is authorised for the arrest of the Respondent, the execution of which is suspended subject to the Respondent's compliance with the provisions of the Protection Order as stated above.

4.3 A copy of this order and the warrant of arrest must be forwarded to the \_\_\_\_\_ Police Station, once this interim order has been served on the Respondent.

## 5. DATE OF CONFIRMATION OF ORDER

5.1 The Respondent is hereby informed of his/her right to appear in the Magistrate's Court at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at 08:30 in order to give reasons why the interim protection order should not be confirmed and made final; and of his/her right to have the matter heard on an earlier date after at least 24 hours' written notice to the applicant and the aforesaid court.

5.2 The Respondent is further informed that if he or she does not appear in court on the above-mentioned date and time, and the court is satisfied that this notice was properly served on him or her, and is satisfied that he or she committed or is committing an act of domestic violence, this order will be confirmed and made final.

\_\_\_\_\_  
MAGISTRATE

\_\_\_\_\_  
DATE

\*Delete whichever is not applicable

**FORM 5**

[Regulation 7]

**NOTICE TO RESPONDENT TO SHOW CAUSE (SUBMIT REASONS)  
WHY A PROTECTION ORDER SHOULD NOT BE ISSUED  
SECTION 5(4) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_ / \_\_\_\_\_

In the matter between:

**APPLICANT:** \_\_\_\_\_  
 (\*Id.No./Date of Birth: \_\_\_\_\_)

**AND**

**RESPONDENT:** \_\_\_\_\_  
 (\*Id.No./Date of Birth: \_\_\_\_\_)

**NOTICE TO RESPONDENT:****1. Particulars of Respondent:**

Home Address: \_\_\_\_\_  
 \_\_\_\_\_ (Tel.No. \_\_\_\_\_)  
 Work Address: \_\_\_\_\_  
 \_\_\_\_\_ (Tel.No. \_\_\_\_\_).

**2. Particulars of Application**

On ..... (date), the Applicant applied for a protection order against you. The Court considered the application but has not issued an interim protection order but will on the undermentioned date decide whether or not to issue a protection order against you.

**3. Protection Order**

- 3.1. You are hereby called upon to give reasons why a protection order should not be issued against you by the above-mentioned Court on the ..... day of ..... at 08:30, on the basis of the application and supporting affidavits, if any, of which certified copies are attached hereto.

- 3.2 If you so wish, the matter can be heard on a earlier date after you have given at least 24 hours` written notice to the applicant and the Court.
- 3.3 The Court will issue a protection order against you if you do not appear in the court on the abovementioned date and time, and if the Court is satisfied that this notice was properly served on you and that you have committed an act of domestic violence.

\_\_\_\_\_  
**CLERK OF THE COURT**

\_\_\_\_\_  
**DATE**

**FORM 6**  
**[Regulation 8(a)]**  
**PROTECTION ORDER**

**SECTION 6 OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)**  
*(This form must be completed if an interim protection order was issued in terms of section 5(2))*  
 IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_/\_\_\_\_\_

In the matter between:

**APPLICANT:** \_\_\_\_\_  
 (\*Id.No./Date of Birth: \_\_\_\_\_)

**AND**

**RESPONDENT:** \_\_\_\_\_  
 (\*Id.No./Date of Birth: \_\_\_\_\_)

**Whereas** the Applicant successfully applied for a protection order which was issued on the ..... day of ....., and  
**after** considering the facts of the matter;

**The Court orders that the attached interim protection order be :**

1.\*Confirmed;

2.\*Amended as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_; or

3.\*Set Aside.

A copy of this order and interim protection order, as well as the warrant of arrest for the Respondent must be forwarded to the ..... Police Station.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ \*19/20\_\_.

\_\_\_\_\_  
**MAGISTRATE**

\_\_\_\_\_  
**DATE**

\*Delete whichever is not applicable



**FORM 7**  
**[Regulation 8(b)]**  
**PROTECTION ORDER**

**SECTION 6 OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)**

*(This form must be completed if an interim protection order was not issued).*

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_

APPLICATION NO. \_\_\_\_\_/\_\_\_\_\_

In the matter between:

**APPLICANT:** \_\_\_\_\_

(\*Id.No./Date of Birth: \_\_\_\_\_)

**AND**

**RESPONDENT:** \_\_\_\_\_

(\*Id.No./Date of Birth: \_\_\_\_\_)

**1. PARTICULARS OF RESPONDENT**

Home Address: \_\_\_\_\_

(Tel.No. \_\_\_\_\_)

Work Address: \_\_\_\_\_

(Tel.No. \_\_\_\_\_),

Occupation: \_\_\_\_\_

**2. PARTICULARS OF APPLICATION**

**Whereas the Applicant** has applied for a Protection Order against the **Respondent** as per the affidavit(s) and record of oral evidence(if any) attached, and an interim protection order was not issued, and after consideration of the application the Court now makes the order hereunder.

**3. ORDER BY COURT**

**3.1 The Court orders that :**

**3.1.1 \*The application for a Protection Order is dismissed; or**

**3.1.2 \*An Interim Protection Order is granted; and the Respondent is ordered-**



3.1.2.1 \*not to commit the following act(s) of domestic violence \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_;  
 \_\_\_\_\_;

3.1.2.2 \*not to enlist the help of another person to commit the acts of domestic violence specified in paragraph 3.1.2.1;

3.1.2.3 \*not to enter the shared residence at \_\_\_\_\_  
 \_\_\_\_\_

3.1.2.4 \*not to enter the following parts of the shared residence \_\_\_\_\_  
 \_\_\_\_\_  
 at \_\_\_\_\_;  
 \_\_\_\_\_;

3.1.2.5 \*not to enter the Complainant's residence at \_\_\_\_\_  
 \_\_\_\_\_;

3.1.2.6 \*not to enter the Complainant's place of employment at \_\_\_\_\_  
 \_\_\_\_\_;

3.1.2.7 \*not to prevent the Complainant or any child who ordinarily live(s) or lived in the shared residence at \_\_\_\_\_  
 from entering or remaining in the shared residence, or any part thereof;

3.1.2.8 \*not to commit any of the following acts, to wit \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_;

3.1.2.9 \*to make rent or mortgage payments in the sum of R \_\_\_\_\_ per month / annum;

3.1.2.10 \*to pay the sum of R \_\_\_\_\_ to the Complainant as emergency monetary relief.

#### 4. ADDITIONAL ORDERS

##### 4.1 It is further ordered that :

4.1.1 \*A peace officer, namely, \_\_\_\_\_ accompanies the Applicant to the following residence in order to assist with arrangements regarding the collection of personal property, i.e. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_;

4.1.2 \*A member of the South African Police Service at \_\_\_\_\_  
seizes the following arm(s) or dangerous weapon(s) in the possession of the  
Respondent, i.e. \_\_\_\_\_  
\_\_\_\_\_;

4.1.3 \*The Complainant's physical address not be disclosed to the Respondent;

4.1.4 \*The Respondent is ordered not to have any contact with the following  
child(ren) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

4.1.5 \*The Respondent is allowed contact with the following child(ren) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

on the following basis: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

4.1.6 \*The Respondent \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

4.2 A Warrant is authorised for the arrest of the Respondent, the execution of  
which is suspended subject to the Respondent's compliance with the  
provisions of the Protection Order as stated above.

4.3 A copy of this order and the warrant of arrest must be forwarded to the  
\_\_\_\_\_ Police Station, once this order has been  
served on the Respondent.

\_\_\_\_\_  
MAGISTRATE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
\*Delete whichever is not applicable

**FORM 8****[Regulation 9]****WARRANT OF ARREST****SECTION 8(1)(a) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_ / \_\_\_\_\_

In the matter between:

**APPLICANT:** \_\_\_\_\_  
(\*Id.No./Date of Birth: \_\_\_\_\_)**AND****RESPONDENT:** \_\_\_\_\_  
(\*Id.No./Date of Birth: \_\_\_\_\_)**TO ALL MEMBERS OF THE SOUTH AFRICAN POLICE  
SERVICE:**

**Whereas** the attached Protection Order was granted against the Respondent by the Magistrate's Court for the district of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ \*19/20 \_\_\_\_; and

**Whereas** the Complainant has stated in the affidavit attached that the Respondent has breached (a) condition(s) of the Protection Order;

**Therefore** you are hereby authorised and ordered to forthwith arrest the Respondent in terms of the provisions of the Domestic Violence Act, 1998, if there are reasonable grounds to suspect that the Complainant may suffer imminent harm as a result of the alleged breach of the protection order by the Respondent.

**GIVEN UNDER MY HAND AT** \_\_\_\_\_ **THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_  
\_\_\_\_\_ \*19/20 \_\_\_\_.

\_\_\_\_\_  
**MAGISTRATE**\_\_\_\_\_  
**DATE**

\*Delete whichever is not applicable

**FORM 9**

[Regulation 10]

**AFFIDAVIT FOR PURPOSES OF FURTHER WARRANT OF ARREST  
SECTION 8(3) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO.116 OF 1998)**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_ / \_\_\_\_\_

In the matter between:

**APPLICANT:** \_\_\_\_\_  
(\*Id.No./Date of Birth: \_\_\_\_\_)**AND****RESPONDENT:** \_\_\_\_\_  
(\*Id.No./Date of Birth: \_\_\_\_\_)**PART A : AFFIDAVIT (To be completed by complainant)****1. PARTICULARS OF COMPLAINANT**

Surname :	
Full names :	
Id.No / Date of birth :	
Home or temporary address :	
Home/contact telephone number :	
Work address :	
Work telephone number :	
Occupation :	

**2. PARTICULARS OF PROTECTION ORDER**

A protection order was granted and a warrant of arrest authorised on :	(Date)
In the Magistrate's Court at :	
Against :	(Name of Respondent)

**3. PARTICULARS OF RESPONDENT**

Surname :	
Full names :	
Id.No / Date of birth	
Home address :	
Home telephone number :	
Work address :	
Work telephone number :	

**4. PARTICULARS OF APPLICATION**

**4.1** I require a \*second/further warrant of arrest for my protection.

**4.2.** The existing warrant of arrest has been -

(a) \*executed and cancelled; or

(b)\*lost / destroyed, under the following circumstances:

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Signature of Deponent

Date

\*Delete whichever is not applicable

**PART B : CERTIFICATION** (for official use)

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

(a) Do you know and understand the contents of the above declaration?

Answer \_\_\_\_\_.

(b) Do you have any objection to taking the prescribed oath?

Answer \_\_\_\_\_.

(c) Do you consider the prescribed oath to be binding on your conscience?

Answer \_\_\_\_\_.

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

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ \*19/20\_\_\_\_\_.

**Justice of the Peace / Commissioner of Oaths**

Full Names \_\_\_\_\_

Designation \_\_\_\_\_

Area for which appointed \_\_\_\_\_

Work Address \_\_\_\_\_

\*Delete whichever is not applicable

**FORM 10****[Regulation 11]****AFFIDAVIT REGARDING CONTRAVENTION OF PROTECTION ORDER  
SECTION 8(4) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)****APPLICANT:** \_\_\_\_\_

(\*Id.No./Date of Birth: \_\_\_\_\_)

**AND****RESPONDENT:** \_\_\_\_\_

(\*Id.No./Date of Birth: \_\_\_\_\_)

**PART A : AFFIDAVIT****(To be completed by complainant)****1. PARTICULARS OF COMPLAINANT**

Surname :	
Full names :	
Id.No / Date of birth :	
Home or temporary address :	
Home/contact telephone number :	
Work address :	
Work telephone number :	
Occupation :	

**2. PARTICULARS OF PROTECTION ORDER**

A protection order was granted and a warrant of arrest authorised on :	(Date)
In the Magistrate's Court at :	
Against :	(Name of Respondent)

**A copy of the Protection Order (indicating what orders were made), and the original warrant of arrest are attached.**

A certified copy of the Protection Order and warrant of arrest were forwarded to the following Police Station :

.....  
.....

### **3. PARTICULARS OF RESPONDENT**

Surname :	
Full names :	
Id.No / Date of birth	
Home address :	
Home telephone number :	
Work address :	
Work telephone number :	

### **4. INFORMATION REGARDING BREACH OF PROTECTION ORDER**

Date(s) of breach of protection order:	..... .....
Place(s) where breach of protection order took place :	..... ..... ..... .....





**PART B : CERTIFICATION** (for official use)

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

(a) Do you know and understand the contents of the above declaration?

Answer \_\_\_\_\_.

(b) Do you have any objection to taking the prescribed oath?

Answer \_\_\_\_\_.

(c) Do you consider the prescribed oath to be binding on your conscience?

Answer \_\_\_\_\_.

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

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ \*19/20\_\_\_\_\_.

**Justice of the Peace / Commissioner of Oaths**

Full Names \_\_\_\_\_

Designation \_\_\_\_\_

Area for which appointed \_\_\_\_\_

Work Address \_\_\_\_\_

\*Delete whichever is not applicable

**FORM 11****[Regulation 12(1)]****NOTICE TO APPEAR BEFORE COURT****SECTION 8(4)(c) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO.116 OF 1998)**

CASE NO. \_\_\_\_\_

IN THE MAGISTRATE'S COURT FOR THE DISTRICT \_\_\_\_\_

HELD AT \_\_\_\_\_ COURT \_\_\_\_\_

DATE OF TRIAL \_\_\_\_\_

**TO :**

Name of Respondent: _____		
Home address: _____		
Sex: _____	Occupation/Status: _____	Id No./Date of birth: _____

**You are hereby notified that you must appear personally before the above-mentioned Court on the date stated above at 08:30 on the following charge:**

**PARTICULARS OF CHARGE:**

<p>You are guilty of the offence of contravening section 17(a) of the Domestic Violence Act, 1998 (Act No. 116 of 1998), in that upon or about the _____ day of _____ and at or near _____ in the district of _____ you _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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**Note:** (1) Please produce this document to the Clerk of the Court on the date of trial.  
 (2) By failing to appear before the Court as notified you may be convicted of an offence and upon conviction be sentenced to a fine or imprisonment for a period not exceeding six months.

**CERTIFICATE:**

I \_\_\_\_\_ (rank and name), in my capacity as a member of the South African Police Service stationed at \_\_\_\_\_, hereby certify that I have handed the original of this notice to the Respondent mentioned therein at \_\_\_\_\_ (place) on \_\_\_\_\_ (date) and that I explained the contents thereof to the said Respondent.

\_\_\_\_\_  
 (Name, rank and service no. of Member and date)

**FORM 12****[Regulation 13]****APPLICATION FOR VARIATION OR SETTING ASIDE OF PROTECTION ORDER  
SECTION 10(1) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)***(A copy of this Form must be forwarded to the other party)*

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_

APPLICATION NO. \_\_\_\_\_ / \_\_\_\_\_

In the matter between:

**APPLICANT:** \_\_\_\_\_  
(\*Id.No./Date of Birth: \_\_\_\_\_)**AND****RESPONDENT:** \_\_\_\_\_  
(\*Id.No./Date of Birth: \_\_\_\_\_)**PART A : AFFIDAVIT (To be completed by applicant)****1. PARTICULARS OF APPLICANT**

Surname :	
Full names :	
Id.No / Date of birth :	
Home or temporary address :	
Home/contact telephone number :	
Work address :	
Work telephone number :	

**\*Delete whichever is not applicable**

## 2. PARTICULARS OF RESPONDENT

Surname :	
Full names :	
Id.No / Date of birth	
Home address :	
Home/contact telephone number :	
Work address :	
Work telephone number :	

### 3. PARTICULARS OF PROTECTION ORDER

A protection order was granted on :	(Date)
In the Magistrate`s Court at :	
Against :	(Name of Respondent)

#### 4. APPLICATION REGARDING PROTECTION ORDER

[illegible]

\*Delete whichever is not applicable



**FORM 13****[Regulation 14(1)]****NOTICE OF VARIATION OR SETTING ASIDE OF PROTECTION ORDER  
SECTION 10(3) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_ / \_\_\_\_\_

In the matter between:

**APPLICANT:** \_\_\_\_\_  
(\*Id.No./Date of Birth: \_\_\_\_\_)**AND****RESPONDENT:** \_\_\_\_\_  
(\*Id.No./Date of Birth: \_\_\_\_\_)

1. **Whereas** a Protection Order was granted against the Respondent on the \_\_\_\_ day of \_\_\_\_\_ \*19/20\_\_ in the Magistrate's Court, \_\_\_\_\_; and
2. **Whereas** the \*Applicant/Respondent has applied for the \*amendment /setting aside of the said Protection Order;
3. **Therefore** the Court orders that -
  - 3.1 \*The Protection Order is set aside; or
  - 3.2 \*The Protection Order is varied as follows:

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Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ \*19/20\_\_.

\_\_\_\_\_  
**MAGISTRATE**\_\_\_\_\_  
**DATE**

\*Delete whichever is not applicable