

GENERAL NOTICE OF 2022
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

**INVITATION FOR PUBLIC COMMENTS ON THE REGULATIONS, DIRECTIVES AND
TARIFF UNDER THE DOMESTIC VIOLENCE ACT**

1. INVITATION

- 1.1 The Department of Justice and Constitutional Development (the Department) invites interested parties to submit written comments on the draft Regulations, Directives and Tariff under the Domestic Violence Act, 1998 (Act No. 116 of 1998) (the Act).
- 1.2 The Regulations are issued by the Minister of Justice and Correctional Services, as contemplated in section 19 of the Act, and are intended to repeal and replace the regulations published under Government Notice No. R. 1311 of 5 November 1999.
- 1.3 The Director-General: Justice and Constitutional Development has prepared the Directives for clerks of courts as contemplated in section 18A, and the Tariff of compensation payable to the electronic communications service providers as contemplated in section 5B(9) of the Act.
- 1.4 The draft Regulations, Directives and Tariff are available on the website of the Department at: <https://www.justice.gov.za/legislation/invitations/invites.htm>

2. COMMENTS

- 2.1 The comments must be submitted not later than **Friday, 8 July 2022**, marked for the attention of **Mr M Mokulubete**, and—
 - (a) if they are forwarded by post, be addressed to—
The Director-General: Justice and Constitutional Development
Private Bag X81, Pretoria, 0001
 - (b) if they are delivered by hand, be delivered at—
SALU Building, Room 23.22, 316 Thabo Sehume Street, Pretoria
 - (c) if they are delivered by email, be emailed to MMokulubete@justice.gov.za
 - (d) if they are faxed, be faxed to **086 519 8972**.
- 2.2 For more information, please contact Mr Mokulubete on **012 406 4755/084 842 5780**

DRAFT GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R.

2022

**DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998):
DOMESTIC VIOLENCE REGULATIONS, 2022**

The Minister of Justice and Correctional Services intends, under section 19 of the Domestic Violence Act, 1998 (Act No. 116 of 1998), and in consultation with the Minister of Finance and Legal Aid South Africa, to make the regulations in the Schedule.

MR RO LAMOLA, MP

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

SCHEDULE

ARRANGEMENT OF REGULATIONS

Regulation:

1. Definitions
2. Notice containing information
3. Explanation of notice
4. Submission of report and risk assessment by functionary
5. Reporting of knowledge, belief or suspicion of acts of domestic violence
6. List of particulars and notice in terms of section 3(3)(b)
7. Manner of applying for protection order
8. Manner in which clerk of court must inform complainant or person not represented by legal practitioner
9. Documents and information to be captured in the integrated electronic repository
10. Domestic violence safety monitoring notice
11. Issuing of interim protection order and manner of service
12. Notice to show cause and manner of service of notice, certified copies of application and supporting affidavits
13. Manner of service of interim protection order and warrant of arrest on complainant
14. Subpoena of person as witness or to provide book, document, video, photograph, audio-clip, USB or object
15. Form of direction directing electronic communications service provider to furnish information to court and manner of service
16. Manner in which electronic communications service provider must furnish information to court and form of affidavit to furnish particulars to court
17. Application by electronic communications service provider for extension of period within which information must be provided to court or cancellation of direction and form of affidavit
18. Manner of requesting additional evidence from electronic communications service provider and form of affidavit by electronic communications service provider
19. Form and manner of informing electronic communications service provider of outcome of application
20. Order to remove or disable electronic communication, affidavit and court order for variation
21. Manner in which electronic communications service providers must bring change of particulars to the attention of Director-General and list of electronic communications service providers
22. Refund of tariff paid to electronic communications service provider by state
23. Issuing of final protection order
24. Form and manner of notifying the parties of the extended date of hearing
25. Issuing of warrant of arrest
26. Affidavit for further warrant of arrest
27. Affidavit regarding contravention of protection order
28. Written notice to respondent to appear before court
29. Form and manner of informing station commander and National Commissioner of South African Police Service of final protection order
30. Application for variation or setting aside of protection order
31. Notice of variation or setting aside of protection order
32. Service and filing of documents

- 33. Appeals and reviews
- 34. Financial assistance
- 35. Granting of legal aid
- 36. Repeal and transitional provisions

ANNEXURE A

Form:

- 1. Notice to be handed and explained to complainant by police official in case of domestic violence
- 2. Report and risk assessment by functionary
- 3. Reporting knowledge, belief or suspicion of acts of domestic violence
- 4. List of accessible shelters and public health establishments
- 5. Notice to be handed and explained to complainant by peace officer in case of domestic violence
- 6. Application for Protection Order
- 7. Consent from victim/complainant for another person to apply for Protection Order on behalf of victim/complainant
- 8. Information notice to complainant who is not represented by a legal practitioner
- 9. Application for domestic violence safety monitoring notice
- 10. Court order for domestic violence safety monitoring
- 11. Report by member of South African Police Service to court
- 12. Interim Protection Order
- 13. Notice to respondent to show cause (submit reasons) why Protection Order should not be issued
- 14. Subpoena for witness
- 15. Subpoena for book, document, video, photograph, audio-clip, USB or objects
- 16. Direction issued to electronic communications service provider to furnish information to court
- 17. Court order regarding payment of costs of electronic communications service provider
- 18. Affidavit by electronic communications service provider furnishing information to court
- 19. Application by electronic communications service provider for extension of period within which information must be provided to court or cancellation of direction
- 20. Request for additional evidence by court regarding extension of time period
- 21. Affidavit by electronic communications service provider furnishing additional evidence to court regarding extension of time
- 22. Information to electronic communications service provider of outcome of application
- 23. Court order to electronic communications service provider to remove or disable access to electronic communication
- 24. Application by electronic communications service provider to set aside or amend court order
- 25. Request for additional evidence from electronic communications service provider regarding application to set aside or amend court order
- 26. Affidavit by electronic communications service provider furnishing additional evidence to court regarding application to set aside or amend court order
- 27. Court order setting aside or amending court order
- 28. Court order for refund of costs paid to electronic communications service provider by state
- 29. Final Protection Order where Interim Protection Order was issued
- 30. Final Protection Order where Interim Protection Order was not issued

31. Court order for the extension or discharge of Interim Protection Order
32. Notice to parties of extended date of hearing
33. Warrant of arrest
34. Affidavit for purposes of second or further warrant of arrest
35. Affidavit regarding contravention of Protection Order
36. Notice to appear before Court
37. Information to station commander and National Commissioner of South African Police Service of final protection order
38. Application for variation or setting aside of Protection Order
39. Notice of variation or setting aside of Protection Order
40. Return of service
41. Request for authorisation of alternative manner of service
42. Court order authorising alternative manner of service

Definitions

1. (a) In these Regulations, any word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context otherwise indicates—

'electronically', in relation to service of any document in terms of the Act, means to serve by any electronic medium including facsimile, electronic mail, SMS, MMS or other social media;

'ICMS' means integrated case management system;

'integrated electronic repository' means the integrated electronic repository for domestic violence protection orders established in term of section 6A of the Act;

'material interest', for the purposes of regulation 7(3), includes an interest in the physical, psychological, medical, emotional wellbeing, as well as economical or financial interest;

'MMS' means multimedia messaging service;

'official language' means Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu and any other language that may be listed as an official language in section 6(1) of the Constitution of the Republic of South Africa, 1996;

'older person' means a person who, in the case of a male, is 65 years of age or older and, in the case of a female, is 60 years of age or older, in accordance with the Older Persons Act, 2006 (Act No13 of 2006);

'online portal' means a web-based platform specially designed to provide a complainant or any person with an entryway to applying for a domestic violence protection order and access to related information and documents;

'PDF' means a portable document format, being a file format that preserves the exact format including the font or colour of any source document, irrespective of the application platform used;

'SMS' means short message service;

'social media' includes the various online technology tools, forms and electronic communication via the internet, such as websites and applications for social networking and micro blogging through which users create online communities to share information, ideas, personal messages and other content; and

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

(b) Where reference is made in these Regulations to “complainant”, it must be construed as making reference also to “a person acting on behalf of the complainant” where appropriate.

(c) Any document that is scanned from an original document, or created electronically, or uploaded to or downloaded from the integrated electronic repository or online portal is regarded as an original document.

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) their 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, and simultaneously for a domestic violence safety monitoring notice to ensure the complainant's safety, health and wellbeing;
 - (iii) the complainant's right to lodge a criminal complaint; and
 - (iv) the purpose of the notice;
- (b) (i) read the notice referred to in regulation 2 to the complainant, if the complainant is unable to read the notice, or take such reasonable steps as may be necessary to have the notice read to them; or
 - (ii) direct the complainant to a website where the notice could be accessed;
- (c) inquire from the complainant whether they—
 - (i) understand the contents of the notice; and
 - (ii) require further information regarding the remedies in terms of the Act and the right to lodge a criminal complaint;
- (d) explain, to the best of their ability, to the complainant on request—
 - (i) any part of the notice which the complainant does not understand; and
 - (ii) their remedies in terms of the Act and the right to lodge a criminal complaint;
- (e) inform the complainant to obtain further information from the clerk of the court should questions of the complainant remain unanswered; and
- (f) inform the complainant of the option of applying for the protection order and for a domestic violence safety monitoring notice online, and how the online portal may be accessed.

Submission of report and risk assessment by functionary

4. (1) A functionary who believes or suspects, on reasonable grounds, that a child, a person with a disability or an older person may be a complainant must prepare a report on a form which corresponds substantially with Form 2 of the Annexure.

(2) The report, duly completed and signed by a functionary as contemplated in subregulation (1), must be submitted to a social worker or a member of the South African Police Service by hand or electronically.

(3) A functionary contemplated in these regulations must comply with the provisions of section 18B of the Act.

(4) If the functionary is of the opinion that it is necessary to refer the complainant to another service provider for any service or for further services, the complainant must be—

- (a) advised of that necessity by that functionary; and
- (b) referred for such service or further services.

Reporting of knowledge, belief or suspicion of acts of domestic violence

5. (1) An adult person who knows, believes or suspects on reasonable grounds that an act of domestic violence has been committed against a child, a person with a disability or an older person must as soon as possible report such knowledge, belief or suspicion on a form which corresponds substantially with Form 3 of the Annexure.

(2) The report, duly completed and signed by an adult person contemplated in this regulation, must be submitted by that person or any other person on their behalf to a social worker or a member of the South African Police Service by hand or electronically.

List of particulars and notice in terms of section 3(3)(b)

6. (1) The list that must be provided to the complainant as contemplated in section 3(3)(b) of the Act must—

- (a) correspond substantially with Form 4 of the Annexure;
- (b) contain names, toll-free number, email and web address, where available of the accessible shelters; and
- (b) contain names, physical address, telephone number, electronic mail address and web address of the public health establishments.

(2) The list contemplated in subregulation (1)—

- (a) may be given by hand or electronically to the complainant, or they may be directed to any website or other place or space where the list may be accessed; and
- (b) must, if reasonably possible, be available in the official language of choice of the complainant.

(3) The notice to be handed to the complainant must correspond substantially with Form 5 of the Annexure.

(4) A peace officer who is not a member of the South African Police Service must provide further assistance as contemplated in section 18B of the Act including—

- (a) assisting in arranging for medical assistance for the complainant or related person who is affected by an act of domestic violence;
- (b) referring the complainant or related person to the police or a social worker;
- (c) assisting the complainant in seeking shelter or alternative accommodation; and
- (d) referring the complainant to a court to apply for a protection order.

(5) The list referred to in subregulation (1) and the notice referred to in subregulation (3) must be accessible on the website of the Department of Justice and Constitutional Development and include the link to that website.

Manner of applying for protection order

- 7. (1) A complainant may apply to the court for a protection order—

- (a) on a form which corresponds substantially with Form 6 of the Annexure; and
 - (b) by submitting the completed form to the clerk of the court—
 - (i) in person;
 - (ii) electronically; or
 - (iii) through the online portal.
- (2) The application referred to in subregulation (1) must be made by way of an affidavit in which the following must be stated—
- (a) the facts on which the application is based;
 - (b) the nature of the order applied for;
 - (c) the name of the police station where the complainant is likely to report any breach of the protection order applied for; and
 - (d) the court having jurisdiction at which the complainant will be able to or prefers to attend the hearing of the matter.
- (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 wellbeing 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 section 4(3)(b) of the Act, the written consent of the complainant.
- (4) The form of consent with which the application must be brought must correspond substantially with Form 7 of the Annexure.
- (5) Any supporting affidavit may be submitted with the application.

Manner in which clerk of court must inform complainant or person not represented by legal practitioner

- 8.** (1) The clerk of the court must, if the complainant is not represented by a legal practitioner, and before the complainant applies for a protection order—
- (a) hand to the complainant a written notice which contains the information provided for in Form 8 of the Annexure, which must, if reasonably possible, be in the official language of choice of the complainant, or the official language that they reasonably understand;
 - (b) read the notice or cause the notice to be read to the complainant, if they are unable to read the notice;
 - (c) inquire from the complainant whether the complainant—
 - (i) understands the contents of the notice; and
 - (ii) require further information concerning the relief available in terms of the Act and the right to lodge a criminal complaint;
 - (d) on request of the complainant, further explain, to the best of the ability of clerk of the court—
 - (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;
 - (e) inform the complainant of the requirement to confirm in writing that there has been compliance with the Act and these regulations; and
 - (f) the confirmation must be filed in the court file and scanned and uploaded on the ICMS.
- (2) (a) The information contained in Form 8 of the Annexure must be available on the online portal in all official languages.

(b) The complainant must confirm on the online portal that the notice was read and understood.

Documents and information to be captured in integrated electronic repository

9. (1) The clerk of the court must capture the following documents in the integrated electronic repository:

- (a) Domestic violence safety monitoring notice contemplated in section 4A(6) of the Act;
- (b) report by station commander contemplated in section 4A(11) of the Act;
- (c) issued interim protection order contemplated in section 5(2) of the Act;
- (d) issued final protection order contemplated in section 6(1) of the Act;
- (e) warrant of arrest contemplated in section 8(1) of the Act;
- (f) second or further warrant of arrest contemplated in section 8(3) of the Act; and
- (g) order of variation or setting aside of protection order contemplated in section 10(2) of the Act.

(2) In capturing any document required to be stored on the integrated electronic repository as contemplated in section 6A of the Act, the clerk of the court must—

- (a) scan any document relating to a particular case or, if a document is in an electronic format, convert that document into a PDF or other format that may be captured in the integrated electronic repository, if not so converted;
- (b) upload and save it under the case number, unique reference number allocated to the matter, names of the parties, identity numbers or dates of birth of the parties; and
- (c) capture the relevant information relating to the uploaded documents on the integrated electronic repository, including—
 - (i) names and particulars of legal practitioners of the parties; and
 - (ii) the return date for the interim protection order.

(3) Every document as contemplated in subregulation (1) must be uploaded on the integrated electronic repository as soon as possible after it has been submitted to or filed with the clerk of the court.

Domestic violence safety monitoring notice

10. (1) The application for a domestic violence safety monitoring notice must correspond substantially with Form 9 of the Annexure.

(2) If the court issues a domestic violence safety monitoring notice it must do so on a form which corresponds substantially with Form 10 of the Annexure.

(3) The clerk of the court must immediately, but no later than two hours after the application was dealt with by the court, notify the complainant in person, telephonically or electronically of the outcome of the application.

(4) Upon the issue of the domestic violence safety monitoring notice contemplated in subregulation (2), the clerk of the court must serve the notice immediately on the station commander contemplated in section 4A of the Act by hand or electronically.

(5) (a) The station commander must immediately after receiving the domestic violence safety monitoring notice, assign a member of the South African Police Service to serve the notice on the respondent.

- (b) The member who has been assigned must—
 - (i) within 24 hours of being assigned serve the respondent with a copy of the notice without the Annexure thereto by hand or electronically;

- (ii) contact the complainant immediately after service on the respondent;
- (iii) if the application or domestic violence safety monitoring notice could not be served, contact the complainant in person or telephonically for assistance on the whereabouts of the respondent, for the purpose of serving the respondent with the notice;
- (iv) as soon as is reasonably possible but no later than 6 hours after service on the respondent, submit a return of service which corresponds substantially with Form 40 to the clerk of the court by hand or electronically; and
- (v) if, notwithstanding assistance contemplated in subparagraph (iii), the respondent could still not be served, the member must, within 6 hours of inability to serve, file a return of non-service, which must state the reason for non-service.

(c) upload and capture the notice and the information relating to the return of service on the integrated electronic repository.

(6) Upon receipt of the return of service or non-service of the domestic violence safety monitoring notice on the respondent, the clerk of the court must immediately notify the complainant of the service or non-service of the notice telephonically or electronically.

(7) (a) A report by the member must correspond substantially with Form 11 of the Annexure.

(b) The report must—

- (i) state when and how did the member contact the complainant upon receipt of the notice;
- (ii) state, when the member communicated with the complainant, if—
 - (aa) the complainant or a related person appeared to have been hurt or threatened with harm;
 - (bb) there was any damage or threat of damage to property; and
 - (cc) any household pet or other animal whose welfare affects the complainant's well-being was harmed or threatened with harm;
- (iii) if the complainant appeared to have been hurt or threatened, state what advice was given to the complainant, including referral for medical assistance, to a shelter or for opening a criminal complaint; and
- (iv) be filed with the clerk of the court by hand or electronically within 48 hours after the expiry of the period stated in the notice.

(c) The member must report on—

- (i) every contact made with the complainant; and
- (ii) the outcome of monitoring the complainant's safety.

(d) The clerk of the court must upload and capture every report on the ICMS.

Issuing of interim protection order and manner of service

11. (1) An interim protection order contemplated in section 5(2) of the Act must be issued on a form corresponding substantially with Form 12 of the Annexure.

(2) The certified copies of the interim protection order, application and any supporting affidavit must be served as soon as possible but—

- (a) no later than 12 hours if served electronically; or
- (b) no later than 24 hours if served in person,

on the respondent in the manner prescribed by regulation 32.

(3) If the court issues the interim protection order, the clerk of the court must immediately notify the complainant thereof telephonically or electronically.

Notice to show cause and manner of service of notice, certified copies of application and supporting affidavits

12. (1) The notice contemplated in section 5(4)(a) of the Act, calling on the respondent to show cause on the specified return date why a protection order should not be issued must correspond substantially with Form 13 of the Annexure.

(2) The notice, certified copies of the application and any supporting affidavit must be served on the respondent in the manner prescribed by regulation 32.

(3) The clerk of the court must, if the court does not issue an interim protection order, notify the complainant telephonically or electronically—

- (a) that the court has not issued the interim protection order;
- (b) that the court has issued a notice to show cause; and
- (c) of the date of hearing.

Manner of service of interim protection order and warrant of arrest on complainant or applicant

13. Certified copies of the interim protection order and original warrant of arrest must be served on the complainant in the manner prescribed by regulation 32.

Subpoena of person as witness or to provide book, document, video, photograph, audio-clip, USB or object

14. (1) A subpoena contemplated in section 5A(1) of the Act must—

- (a) if it is issued for any person to appear as a witness, correspond substantially with Form 14 of the Annexure; or

- (b) if it is issued for any person to provide any book, document, video, photograph, audio-clip, USB or object, correspond substantially with Form 15 of the Annexure.

(2) The subpoena must contain the following information—

- (a) the date and time of appearance;
- (b) the physical address of the court and the court room number in which the witness must appear;
- (c) the name and contact details of the person with whom arrangements can be made for audio-visual testimony, if this manner of testifying is a suitable option for the witness; and
- (d) the consequences of not complying with the subpoena.

(3) After the clerk of the court has issued the subpoena, the original of the subpoena must be served upon the person affected thereby—

- (a) by hand and the person to be served must be given a copy thereof; or
- (b) electronically,

as prescribed by regulation 32.

(4) The return of service must, together with the duplicate subpoena, be submitted to the clerk of the court who must capture such documents on the ICMS, and record the relevant information relating thereto in the integrated electronic repository.

(5) A subpoena contemplated in subregulation (1) must be served on the person affected by it at least 10 days before the date of hearing.

(6) Where a person is subpoenaed as contemplated in subregulation (1)(b), such person must, before 12:00 pm on the day before the date of hearing—

- (a) deliver the book, document or object specified in the subpoena to the clerk of the court by hand;

- (b) if practical, send the said book, document or object to the clerk of the court electronically; or
- (c) if practical, upload the said book, document or object on the online portal.

(7) A person who objects to the production of the book, document or object specified in the subpoena—

- (a) must in writing before 12:00 pm on the day before the date of hearing notify the clerk of the court in person or electronically of—
 - (i) the intention to raise an objection; and
 - (ii) the grounds upon which such objection is based; and
- (b) must attend court in person or with a legal practitioner on the day of the hearing, to raise the objection.

(8) (a) In the case of an audio-visual hearing contemplated in subregulation (2)(c), the link for the remote audio-visual testimony must be sent to the witness before the hearing commences.

(b) If the witness fails to attend the audio-visual hearing, proof of the link and any response to the electronic hearing link, must be submitted to the court.

(c) Where the witness is unable to connect to the audio-visual hearing at the time of the hearing, the witness must report such inability to the clerk of the court for assistance.

Form of direction directing electronic communications service provider to furnish information to court and manner of service

15. (1) A direction issued by the court in terms of section 5B(1)(b) of the Act must correspond substantially with Form 16 of the Annexure.

(2) The direction must be served by the clerk of the court on the electronic communications service provider by hand or electronically.

(3) After the service of the direction has been effected in terms of subregulation (2), the clerk of the court must capture the direction and return of service on the integrated electronic repository.

(4) (a) The court may hold an inquiry contemplated in section 5B(10)(b) of the Act to determine the ability of the complainant to pay the tariff to the electronic communication service provider in the presence or absence of the respondent.

(b) The order made by the court after the inquiry contemplated in paragraph (a) must be on a form which corresponds substantially with Form 17.

(c) The clerk of the court must serve the order on the person who is liable to pay the tariff to the electronic communications service provider by hand or electronically.

Manner in which electronic communications service provider must furnish information to court and form of affidavit to furnish particulars to court

16. (1) On receipt of a direction referred to in regulation 15(1), the identified electronic communications service provider must—

- (a) complete an affidavit which corresponds substantially with Form 18 of the Annexure; and
- (b) send the said affidavit to the clerk of the court by hand or electronically.

(2) The clerk of the court who receives the affidavit must capture the said affidavit on the integrated electronic repository.

Application by electronic communications service provider for extension of period within which information must be provided to court or cancellation of direction and form of affidavit

17. (1) An application by an electronic communications service provider for the extension of the period within which the information must be provided to the court or for the cancellation of the direction, in terms of section 5B(3)(b) of the Act, must be made on an affidavit which corresponds substantially with Form 19 of the Annexure.

(2) The application must be filed with the clerk of the court by hand or electronically.

(3) The clerk of the court must on receipt of the application submit it to the court for consideration.

Manner of requesting additional evidence from electronic communications service provider and form of affidavit by electronic communications service provider

18. (1) A request for additional evidence referred to in section 5B(4)(b) of the Act must correspond substantially with Form 20 of the Annexure.

(2) The request must be served by the clerk of the court identified by the court on an electronic communications service provider by hand or electronically.

(3) After the service of the request has been effected in terms of subregulation (2), the clerk of the court must capture the request and return of service on the ICMS, and record the relevant information relating thereto in the integrated electronic repository.

(4) On receipt of a request, the electronic communications service provider must furnish the requested evidence by way of an affidavit which corresponds substantially with Form 21 of the Annexure, which must be submitted to the clerk of the court by hand or electronically.

(5) The clerk of the court must on receipt of the requested additional evidence submit it to the court for consideration.

Form and manner of informing electronic communications service provider of outcome of application

19. (1) The court must inform the electronic communications service provider of the outcome of the application contemplated in section 5B(4)(d) of the Act, on a form which corresponds substantially with Form 22 of the Annexure.

(2) The completed Form 22 must be served by the clerk of the court identified by the court, on the electronic communications service provider by hand or electronically.

(3) After the service of Form 22 has been effected in terms of subregulation (2), the clerk of the court must capture the form and return of service on the ICMS, and record the relevant information relating thereto in the integrated electronic repository.

Order to remove or disable electronic communication, affidavit and court order for variation

20. (1) (a) The court that issues an interim or final protection order must, at the same time, order the electronic communications service provider whose electronic communications service is used to host or disclose the electronic communication used to commit

an act of domestic violence, to immediately remove or disable access to the electronic communication.

(b) The order contemplated in paragraph (a) must correspond substantially with Form 23 of the Annexure.

(c) The court must, after issuing an order contemplated in paragraph (a), direct the clerk of the court to serve the order immediately on the electronic communications service provider in question electronically, but no later than one hour after the order is made.

(2) An application by the electronic communications service provider to set aside or amend the order made in terms of subregulation (1)(a) must be—

(a) on an affidavit which corresponds substantially with Form 24 of the Annexure;

(b) made within 14 days after service of the order made in terms of subregulation (1)(a); and

(c) served on the clerk of the court by hand or electronically.

(3) (a) In considering the application, the court may request such additional evidence from the electronic communications service provider as it deems fit.

(b) The request contemplated in paragraph (a) must correspond substantially with Form 25 of the Annexure.

(c) The clerk of the court must serve the request on the electronic communications service provider by hand or electronically.

(d) The electronic communications service provider must furnish the requested evidence by serving on the clerk of the court an affidavit which corresponds substantially with Form 26 of the Annexure by hand or electronically.

(4) (a) If the court is satisfied that good cause has been shown to set aside or amend the order made in terms of subregulation (1)(a), it must issue an order on a form which corresponds substantially with Form 27 of the Annexure.

(b) The court must, after issuing an order contemplated in paragraph (a), direct the clerk of the court to serve the order on the electronic communications service provider in question by hand or electronically.

Manner in which electronic communications service providers must bring change of particulars to the attention of Director-General and list of electronic communications service providers

21. (1) An electronic communications service provider must, in writing to the Director-General: Communication and Digital Technologies, bring any change of particulars referred to in section 5B(8)(b) of the Act to their attention.

(2) The list referred to in section 5B(8) of the Act, and any subsequent amendments made thereto, must be—

(a) made available on the internal website of the Department of Communication and Digital Technologies; and

(b) brought to the attention of all courts by means of a Departmental communication.

Refund of tariff paid to electronic communications service provider by state

22. (1) The court must, at the hearing of the application for a final protection order, conduct an enquiry to determine whether any of the parties must refund the tariff paid by the state to the electronic communications service provider and may make such order as it deems fit.

(2) The order made by the court after the enquiry contemplated in subregulation (1) must be on a form which corresponds substantially with Form 28 of the Annexure.

Issuing of final protection order

- 23.** (1) A protection order contemplated in section 6(1) of the Act must—
- (a) in the event that an interim protection order was issued, correspond substantially with Form 29 of the Annexure; or
 - (b) in the event that an interim protection order was not issued or the protection order is issued as contemplated in section 60(12) of the Criminal Procedure Act, correspond substantially with Form 30 of the Annexure.
- (2) (a) The clerk of the court must deal with a protection order issued as contemplated in section 60(12) of the Criminal Procedure Act, as if it was issued in terms of the Act.
- (b) The clerk of the criminal court must submit the record of the criminal proceedings referred to in paragraph (a) to the clerk of the court dealing with protection orders in terms of the Act.
- (3) (a) The original final protection order must be served on the respondent in the manner prescribed by regulation 32.
- (b) The certified copy of the final protection order and the original warrant of arrest must be served on the complainant in the manner prescribed by regulation 32.

Form and manner of notifying the parties of the extended date of hearing

- 24.** (1) If the court extends the interim protection order and the return date or discharges the interim protection order, it must do so on a form which corresponds substantially with Form 31 of the Annexure.
- (2) The clerk of the court must notify the complainant and the respondent of the extended date on a form which corresponds substantially with Form 32 of the Annexure.
- (3) The completed form must be served by the clerk of the court on the complainant and the respondent by hand or electronically.
- (4) If the clerk of the court cannot serve the complainant or the respondent or both the complainant and the respondent, the clerk of the court must complete—
- (a) a return of non-service; and
 - (b) Form 41,
- and approach a magistrate for authorisation of an alternative manner of service.
- (5) After the service has been effected in terms of subregulation (3), the clerk of the court must capture the form and return of service on the ICMS, and record the relevant information relating thereto in the integrated electronic repository.

Issuing of warrant of arrest

- 25.** (a) The warrant of arrest contemplated in section 8(1)(a) of the Act must be authorised and issued by the court on a form which corresponds substantially with Form 33 of the Annexure.
- (b) The clerk of the court must, on the day of issue—
- (i) capture the issued warrant of arrest on the ICMS;
 - (ii) upload and capture it together with any relevant information relating to it on the integrated electronic repository; and

- (iii) submit a certified copy of the warrant together with a copy of the protection order by hand or electronically to the police station chosen by the complainant.

Affidavit for further warrant of arrest

26. (1) An affidavit contemplated in section 8(3) of the Act for purposes of obtaining a second or further warrant of arrest must correspond substantially with Form 34 of the Annexure.

(2) The affidavit contemplated in subregulation (1) must state that—

- (a) the second or further warrant is required for the protection of the complainant; and
- (b) the existing warrant of arrest has been executed and cancelled, lost or destroyed.

(3) (a) The affidavit may be submitted to the clerk of the court by hand or electronically.

(b) If an affidavit that is not commissioned is submitted electronically, the clerk of the court may commission the said affidavit, if signed, through an audio-visual communication with the complainant.

(4) The clerk of the court must, on the day of issue—

- (i) capture the issued second or further warrant of arrest on the ICMS;
- (ii) upload and capture it together with the relevant information relating to it on the integrated electronic repository;
- (iii) submit a certified copy of the second or further warrant together with a copy of the protection order by hand or electronically to the police station chosen by the complainant; and
- (iv) notify the complainant electronically that a certified copy of the second or further warrant together with a copy of the protection order have been submitted to the chosen police station.

Affidavit regarding contravention of protection order

27. (1) 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 on a form which corresponds substantially with Form 35 of the Annexure.

(2) The affidavit contemplated in subregulation (1) must state—

- (a) that the respondent has contravened a prohibition, condition, an obligation or order contained in the protection order;
- (b) the specific prohibition, condition, obligation or order contravened by the respondent; and
- (c) the manner in which or the extent to which the respondent has contravened the prohibition, condition, obligation or order.

(3) (a) When reporting the contravention of the protection order to the police, the complainant must hand the affidavit, together with a certified copy of the protection order and the original warrant of arrest to the police.

(b) If the protection order and warrant of arrest are in an electronic form, they need not be certified.

(4) A member of the South African Police Service who is of the opinion there are insufficient grounds to arrest the respondent on the strength of the affidavit handed over by the complainant, must issue a written notice contemplated in regulation 28.

Written notice to respondent to appear before court

28. (1) (a) 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(1)(a) of the Act must correspond substantially with Form 36 of the Annexure.

(b) The member of the South African Police Service must file a copy of the written notice in the docket which must be submitted to the prosecutor on or before the date of hearing.

(c) The member of the South African Police Service must submit a copy of the written notice by hand or electronically to the clerk of the court dealing with protection orders in terms of the Act.

(d) The clerk of the court must capture the written notice on the ICMS.

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

(3) (a) The court may if satisfied from the duplicate 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 their failure so to appear or to remain in attendance and unless the respondent satisfies the court that their failure was not due to any fault on their part, convict them of the offence referred to in subregulation (2) and sentence them as may be determined in the Act.

Form and manner of informing station commander and National Commissioner of South African Police Service of final protection order

29. (1) The clerk of the court must as soon as reasonably possible but no later than 24 hours inform the station commander of the police station servicing the area where the respondent resides, studies, carries on business or is employed, and the National Commissioner of the South African Police Service of the final protection order issued against the respondent on a form which corresponds substantially with Form 37 of the Annexure.

(2) The completed form must be served by the clerk of the court on the station commander and the National Commissioner in the manner prescribed by regulation 32.

(3) After the service has been effected in terms of subregulation (2), the clerk of the court must capture the form and return of service on the ICMS.

Application for variation or setting aside of protection order

30. (1) An application for the variation or setting aside of a protection order, contemplated in section 10(1) of the Act, must correspond substantially with Form 38 of the Annexure.

(2) The application referred to in subregulation (1) must be submitted to the clerk of the court by hand or electronically.

Notice of variation or setting aside of protection order

31. (1) The notice of the variation or setting aside of a protection order, contemplated in section 10(3) of the Act, must correspond substantially with Form 39 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 electronically.

Service and filing of documents

- 32.** (1) (a) Whenever service by hand is required—
- (i) the interim protection order or notice to show cause, together with a copy of the application and supporting documents; and
 - (ii) the final protection order in a case where the respondent was not present at court, must be served by any member of the South African Police Service, unless ordered otherwise by the court.

- (b) The clerk of the court must—
- (i) serve any document in terms of the Act or these Regulations, except where the Act or these Regulations provide otherwise, by handing over a certified copy of that document to the person on whom the document is to be served, or serving the document on that person electronically; and
 - (ii) where the Act or Regulations require any document to be forwarded, the document must be sent electronically to the person or a certified copy of that document must be handed over to the person who must receive it.

(c) 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), if ordered by the court.

(2) 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 assistance from a member of the South African Police Service to enable such person to serve any document provided for in the Act and these Regulations.

(3) The complainant or respondent who requires a document to be served in terms of the Act or these Regulations is responsible for the costs of such service.

(4) Any document required or directed to be served or executed upon any person, may be transmitted by facsimile or by means of any other electronic medium to the person intended to be served.

(5) The document received or printed as a result of the transmission contemplated in subregulation (4) is of the same force and effect as the original thereof.

(6) (a) The return of service by the clerk of the court, member of the South African Police Service or sheriff which corresponds substantially with Form 40 of the Annexure must—

- (i) be filed by hand or electronically with the clerk of the court;
- (ii) contain the details including—
 - (aa) date and time of service;

- (bb) the electronic mail address, physical address or social media information to which service was effected; or
- (cc) if served by hand, the full names and age of the person who was served, and if that person is not the person intended to be served, the relationship with the person who is intended to be served;
- (dd) The return of non-service must state the reason for non-service and the attempts made to effect successful service of the document.

(b) The return of service or of non-service must be filed with the clerk of the court as soon as possible but no later than 24 hours after service or attempted service.

(7) (a) The service or submission of any document electronically is effected by sending the document to an electronic mail address, facsimile or social media platform, page or number of the intended person.

(b) The filing of any document with the clerk of the court may be effected by—

- (i) hand;
- (ii) sending the document to an electronic mail address or facsimile number of the clerk of the court; or
- (iii) uploading the document on the online portal.

(8) The person sending the document electronically to any person in terms of these regulations must—

- (a) obtain a delivery report, screenshot or facsimile transmission report as confirmation that the document was delivered to the electronic mail address, facsimile or social media platform, page or number of the person intended to be served;
- (b) complete a return of service; and
- (c) attach the delivery report, screenshot, facsimile transmission report or other proof of delivery to the return of service.

(9) The document served or submitted as contemplated in subregulation (7)(a), proof of filing in terms of subregulation (7)(b), the delivery report, screenshot or facsimile transmission report in terms of subregulation (8)(a) and the return of service contemplated in subregulation (8)(b) must be kept as proof of service, filing or submission.

(10) (a) If any document requires to be served by hand, and the respondent cannot be located or has moved to an area that is served by another police station or by another sheriff, the member or the sheriff must file with the clerk of the court a return of non-service stating that fact.

(b) Upon receipt of the return of non-service the clerk of the court must contact the person requiring service, to obtain new or better details.

(c) The clerk of the court must amend the address or details, sign next to the amendments and send the document to the police station or the sheriff serving the area where the respondent resides, studies, carries on business or is employed.

(11) If any person intended to be served cannot be served in any of the means provided in this regulation, the clerk of the court must immediately after receipt of the return of non-service notify the person requiring service, to be able to apply for substituted service as contemplated in subregulation (12).

(12) (a) Where the court is satisfied that service of any document cannot be effected in the manner prescribed by this regulation, or otherwise considers it necessary or expedient, it may make an order allowing for substituted service of any document to be effected in a manner specified in such an order, which may include any of the following service:

- (i) by publication of a notice on a relevant platform;

- (ii) upon a closest known relative of the person who is to receive a document;
- or
- (iii) on a supervisor or manager of the person who is to receive a document, if the person is employed
- (b) A person who seeks service of any document—
- (i) may request the court on a form which corresponds substantially with Form 41 of the Annexure to authorise the alternative manner of service; and
 - (ii) must provide the court with reasons as to why the proposed alternative manner of service will result in the successful service of any document on the person intended to be served.
- (c) If an alternative manner of service is authorised, the court must issue an order on a form which corresponds substantially with Form 42 of the Annexure.
- (13) The clerk of the court must—
- (a) if the amended document is a document listed in regulation 9(1) capture the document on the integrated electronic repository; and
 - (b) capture any amended document, update the information on the ICMS and update the relevant information relating thereto in the integrated electronic repository.
- (14) Any document served electronically under this Act is regarded as an original and does not need to be certified.

Appeals and reviews

- 33.** (1) (a) The clerk of the court must maintain a register for appeals and reviews contemplated in section 16 of the Act.
- (b) The following must be captured in the register contemplated in paragraph (a), by the clerk of the court:
- (i) All notices of appeal and review;
 - (ii) the outcome of such appeals and reviews; and
 - (iii) any court order relating to such appeals and reviews.
- (2) The clerk of the court must—
- (a) upload and capture any notice of appeal or review and court orders on the outcome of such appeals and reviews on the ICMS; and
 - (b) upload and capture the notice of appeal or review and the outcomes of such appeals and reviews on the integrated electronic repository.

Financial assistance

34. Notwithstanding subregulation 32(3), the court may, after consideration of such proof as the court may require, make an order directing the State to pay the costs of any service in terms of the Act or these Regulations, if the court is satisfied that the complainant or respondent, or both the complainant and respondent, do not have the means to pay for such costs at the time when service is required.

Granting of legal aid

35. Legal aid contemplated in section 19(1) of the Act may be granted in accordance with the provisions of the regulations published under Government Notice No. R. 745 of July 2017.

Repeal and transitional provisions

36. (1) The regulations published under Government Notice No. R. 1311 of 5 November 1999, are hereby repealed.

(2) Anything done under a provision of the repealed regulations and which could have been done under a provision of these Regulations, is regarded as having been done under the latter provision.

ANNEXURE

Form 1

Notice to be handed and explained to complainant by police official in case of domestic violence

[Regulation 2]

SECTION 2(b) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

Your rights and steps you can take to protect yourself, your children and related persons

This notice explains your rights and the steps you can 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 we will to the best of our abilities explain the contents to you.

1. We will give you such assistance as you may need including to—

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

2. You can open a criminal case against the person who abused you which will be investigated by the police. If you want to open a criminal case we will assist you now.

3. You can also apply, on any day and at any time, for a protection order and a safety monitoring notice through the internet (go to “web address”) or in person at a Magistrate's Court—

- (a) where you stay, study, or work, whether permanently or temporarily;
- (b) where the person who abused you stays, studies, or work, whether permanently or temporarily; or
- (c) where the abuse took place.

4. (a) If you stay at the same place as the person who abused you, you can at the same time also apply for a safety monitoring notice, which will make sure that a police official will check on your safety regularly by telephone or in person for a specified period.

(b) We can give you the application forms to apply for a protection order and a safety monitoring notice if you need it, or you can get these forms from the internet (go to “web address”).

5. (a) The Court can grant an interim protection order with a date for you and the person who abused you to be in court to consider the application.

(b) The interim protection order must be served on the person who abused you (respondent) before it can come into operation.

(c) If the court does not grant an interim protection order immediately, you and the respondent will get a notice with a date to be in court to explain why the court should grant a final protection order.

(d) The court can also grant a safety monitoring notice, if applied for, which must be served on the respondent before it can come into operation.

6. The order and the notice can be served by the police or by a sheriff.

7. In your application you may request the Court to prohibit the respondent from—

- (a) committing or attempting to commit any act of domestic violence;
- (b) getting the help of another person to commit any act of domestic violence;
- (c) entering your workplace, place of study, home or the shared residence or any part thereof;
- (d) preventing you or any child who normally lives in the shared residence from entering or remaining in the residence or any part thereof;
- (e) contacting you in person or through someone or by electronic means;
- (f) making known or available to others any communication about you by electronic means; or
- (g) committing any other act determined by the Court.

8. The person who abused you will not be given your contact information.

9. To protect you and to provide for your safety, health and wellbeing, the Court can—

- (a) order that the respondent pay rent, mortgage or other monetary relief (such as medical, grocery and education expenses and loss of income);
- (b) order that the respondent pays temporary maintenance of any child, person with a disability or older person in your care, who the respondent has a legal duty to maintain;
- (c) refuse the respondent contact with your children;
- (d) order the respondent to not harm or threaten to harm a household pet or other animal, the welfare of which affects your well-being;
- (e) order the seizure of any weapon in the possession or under the control of the respondent, even if it is for work purposes;
- (f) order that a peace officer accompany you to assist you with the collection of your personal property; or
- (g) impose any other condition as is reasonably necessary.

10. (a) Whenever the court grants an interim or final protection order, the court must at the same time authorise a warrant of arrest for the respondent, which must be suspended until the order is breached.

(b) You will get a copy of the interim protection order and the original suspended warrant of arrest.

(c) The protection order must be by the police served on the respondent before it comes into force, and the original suspended warrant of arrest can only be used once the order is breached.

(d) If the respondent breaches any provision of the interim protection order, you can go to the police with the order, the warrant and an affidavit explaining how the order was breached.

(e) The police can open a criminal case for breach of the protection order and may arrest the respondent.

You are welcome to seek clarity regarding the process or about this notice.

Do you have any questions?

If you go to court, the clerk of the court will also explain the process and can provide you with the application forms.

You can also get information and the forms on the internet at (go to “web address”).

You can also call this command centre number (tel:) for more information and assistance.

NOTE: IT IS A CRIMINAL OFFENCE IF YOU GIVE FALSE INFORMATION THAT YOU KNOW IS FALSE WHEN APPLYING FOR A PROTECTION ORDER, A DOMESTIC VIOLENCE SAFETY MONITORING NOTICE OR WHEN YOU OPEN A CRIMINAL CASE.

Form 2 Report and risk assessment by functionary

[Regulation 4(1)]

SECTION 2A(2)(a)(i) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

(*Delete whichever is not applicable.)

To: *The Social Worker/SAPS

.....

REPORT AND RISK ASSESSMENT BY FUNCTIONARY ON BELIEF OR SUSPICION OF ACT OF DOMESTIC VIOLENCE	
A	CERTIFICATE
	<p>I, (Full names and surname)</p> <p>hereby certify as follows:</p> <ul style="list-style-type: none"> - I am employed by (employer) at (address) as - On the day of 20..... I, in the course of the performance of my duties or the exercise of my functions as (designation/occupation), had*examined/assessed/evaluated/interviewed/talked to/discussed with the person whose particulars are set out in Part B of this form. - During that session I obtained information which, after evaluation, caused me to *believe / suspect on reasonable grounds, that the said person may be a victim of domestic violence. - The said person is a *child, a person with a disability or an older person.
<p>NB! In terms of section 2A(3) of the Act, a functionary who makes the report, referred to in section 2A(2)(a), in good faith is not liable to civil, criminal or disciplinary action on the basis of the report, despite any law, policy or code of conduct prohibiting the disclosure of personal information; and is entitled to have their identity kept confidential, unless the interests of justice require otherwise.</p>	

B	PERSONAL PARTICULARS OF POTENTIAL VICTIM
Surname:	
First Name/s:	
Sex:	
Residential or work address:	
	Code ()
Phone number (h):	()
Cellular number:	
Email address:	

C	REPORT
<p>I *believe/suspect on reasonable grounds that the said person may be a victim of domestic violence for the following reasons:</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p>	

D	ASSESSMENT
During my examination/assessment/evaluation of the victim and/or my interview/discussion with the victim I observed/noticed/learned the following:	
(a)	
(b)	
(c)	
(d)	
(e)	

E	RISK
The victim has completed the attached risk assessment tool [Form 1A(1)] and I am of the opinion that the victim may be at risk for the following reasons:	
(a)	
(b)	
(c)	
(d)	
(e)	

F	REFERRAL
I *suggested/referred the victim to the following services:	
(a)	
(b)	
(c)	
(d)	
(e)	

Date.....Place.....

Functionary

Official stamp

Form 3
Reporting knowledge, belief or suspicion of acts of domestic violence

[Regulation 5(1)]

SECTION 2B(2)(a) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

(*Delete whichever is not applicable. **Optional/if known)

To: *The Social Worker/SAPS

.....

REPORT BY ADULT OF KNOWLEDGE, BELIEF OR SUSPICION OF ACT OF DOMESTIC VIOLENCE

1. I, (name and surname) **ID No/Passport No. do hereby declare that:

(a) I can be contacted at (address) and/or (contact no.).

(b) I *know, believe or suspect that (name and surname of victim) who is residing/working at (address) and/or can be **contacted at (contact no) is being subjected to acts of domestic violence by (name and surname of perpetrator) who is **resides/works at (address) and/or can be **contacted at (contact no.)

I *know, believe or suspect that the person is a victim of domestic violence because:

.....

2. The victim is a *child, a person with a disability or an older person.

*If the victim is a person with a disability, please indicate the type of disability (if known)

.....

3. I know the victim for the following reason(s):

- (i)
- (ii)
- (iii)
- (iv)
- (v)

4. I know that making a false statement is a crime and I may be criminally charged and if found guilty I may be fined or sent to prison or both.

SIGNED AT THIS DAY OF 20.....

PERSON REPORTING

NB!

(1) In terms of section 2B(3) of the Act, a person who makes the report, referred to in section 2B(1)(a), in good faith is not liable to civil, criminal or disciplinary action on the basis of the report, despite any law, policy or code of conduct prohibiting the disclosure of personal information; and is entitled to have their identity kept confidential, unless the interests of justice require otherwise.

(2) A person who fails to report the knowledge, belief or suspicion that a child, a person with a disability or an older person is a victim of domestic violence, is guilty of an offence.

Form 4
List of accessible shelters and public health establishments

[Regulation 6(1)(a)]
 SECTION 3(3)(b)(i) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

1. The following are the details of accessible shelters:

1.1 Name:
 Toll-free number:
 Email address:
 Website:

1.2. Name:
 Toll-free number:
 Email address:
 Website:

2. The following are the details of public health establishments:

2.1 Name:
 Physical address:
 Telephone number:
 Email address:
 Website:

2.2 Name:
 Physical address:
 Telephone number:
 Email address:
 Website:

3. This list must be completed with the relevant details and given by a peace officer to the complainant or the person acting on behalf of the complainant by hand or electronically, or the complainant or the person acting on behalf of the complainant may be directed to any website or other place where the list may be accessed.

4. If reasonably possible, the list must be available in the official language mostly spoken in the area where the complainant or the person acting on behalf of the complainant resides.

5. If the list is not readily available, necessary steps must be taken to ensure that the list is made available to the complainant or the person acting on behalf of the complainant as soon as possible.

6. This list is also available at the website of the Department of Justice and Constitutional Development: www.justice.gov.za

Form 5
Notice to be handed and explained to complainant by peace officer in case of domestic violence

[Regulation 6(4)]
 SECTION 3(3)(b)(ii) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

Your rights and steps you can take to protect yourself, your children and related persons

This notice explains your rights and the steps you can 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 we will to the best of our abilities explain the contents to you.

1. We will give you such assistance as you may need including to—

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

2. You can open a criminal case against the person who abused you which will be investigated by the police. If you want to open a criminal case you must go to a police station of the area where you stay, study, work, run a business or the abuse took place.

3. You can also apply, on any day and at any time, for a protection order and a safety monitoring notice through the internet (go to “web address”) or in person at a Magistrate's Court—

- (a) where you stay, study, or work, whether permanently or temporarily;
- (b) where the person who abused you stays, studies, or work, whether permanently or temporarily; or
- (c) where the abuse took place.

4. (a) If you stay at the same place as the person who abused you, you can at the same time also apply for a safety monitoring notice, which will make sure that a police official will check on your safety regularly by telephone or in person for a specified period.

(b) We can give you the application forms to apply for a protection order and a safety monitoring notice if you need it, or you can get these forms from the internet (go to “web address”).

5. (a) The Court can grant an interim protection order with a date for you and the person who abused you to be in court to consider the application.

(b) The interim protection order must be served on the person who abused you (respondent) before it can come into operation.

(c) If the court does not grant an interim protection order, you and the respondent will get a notice with a date to be in court to explain why the court should grant a final protection order.

(d) The court can also grant a safety monitoring notice, if applied for, which must be served on the respondent before it can come into operation.

6. The order and the notice can be served by the police or by a sheriff.

7. In your application you may request the Court to prohibit the respondent from—

- (a) committing or attempting to commit any act of domestic violence;
- (b) getting the help of another person to commit any act of domestic violence;
- (c) entering your workplace, place of study, home or the shared residence or any part thereof;
- (d) preventing you or any child who normally lives in the shared residence from entering or remaining in the residence or any part thereof;
- (e) contacting you in person or through someone or by electronic means;
- (f) making known or available to others any communication about you by electronic means;
- (g) committing any other act determined by the Court.

8. The person who abused you will not be given your contact information.

9. To protect you and to provide for your safety, health and wellbeing, the Court can—

(a) order that the respondent pay rent, mortgage or other monetary relief (such as medical, grocery and education expenses and loss of income);

(b) order that the respondent pays temporary maintenance of any child, person with a disability or older person in your care, who the respondent has a legal duty to maintain;

(c) refuse the respondent contact with you or your children;

(d) order the respondent to not harm or threaten to harm a household pet or other animal, the welfare of which affects your well-being;

(e) order the seizure of any weapon in the possession or under the control of the respondent, even if it is for work purposes;

(f) order that a peace officer accompany you to assist you with the collection of your personal property;

(g) impose any other condition as is reasonably necessary.

10. (a) Whenever the court grants an interim or final protection order, the court must at the same time authorise a warrant of arrest for the respondent, which must be suspended until the order is breached.

(b) You will get a copy of the interim protection order and the original suspended warrant of arrest.

(c) The protection order must be served on the respondent before it comes into force, and the original suspended warrant of arrest can only be used once the order is breached.

(d) If the respondent breaches any provision of the interim protection order, you can go to the police with the order, the warrant and an affidavit explaining how the order was breached.

(e) The police can open a criminal case for breach of the protection order and may arrest the respondent.

Do you have any questions? You are welcome to seek clarity regarding the process or about this notice.

If you go to court, the clerk of the court will also explain the process and can provide you with the application forms.

You can also get information and the forms on the internet at (go to “web address”).

You can also call this command centre number (tel:) for more information and assistance.

NOTE: IT IS A CRIMINAL OFFENCE IF YOU GIVE FALSE INFORMATION THAT YOU KNOW IS FALSE WHEN APPLYING FOR A PROTECTION ORDER, A DOMESTIC VIOLENCE SAFETY MONITORING NOTICE OR WHEN YOU OPEN A CRIMINAL CASE.

Form 6 Application for Protection Order

[Regulation 7(1)]

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 :	
2. PARTICULARS OF PERSON MAKING THE APPLICATION ON BEHALF OF THE COMPLAINANT (if applicable)	
Surname :	
Full names :	
Capacity in which application is made (state type of functionary or organisation) OR Nature of relationship with the complainant: <input type="checkbox"/> care giver <input type="checkbox"/> counsellor	

<input type="checkbox"/> educator <input type="checkbox"/> family member <input type="checkbox"/> health care personnel <input type="checkbox"/> medical practitioner <input type="checkbox"/> official in public health establishment <input type="checkbox"/> related person (having a close relationship with complainant) <input type="checkbox"/> social worker <input type="checkbox"/> South African Police Service member <input type="checkbox"/> other (specify) 	
3. PARTICULARS OF PERSON WHO COMMITTED ACT OF DOMESTIC VIOLENCE (hereafter called the Respondent) - in so far as such particulars are available The Respondent is (to the complainant): <input type="checkbox"/> Boyfriend <input type="checkbox"/> Brother <input type="checkbox"/> Current co-resident <input type="checkbox"/> Daughter <input type="checkbox"/> Ex-boyfriend <input type="checkbox"/> Ex-co-resident in the past year <input type="checkbox"/> Ex-girlfriend <input type="checkbox"/> Ex-husband <input type="checkbox"/> Ex-in-law <input type="checkbox"/> Ex-partner <input type="checkbox"/> Ex-wife <input type="checkbox"/> Father <input type="checkbox"/> Girlfriend <input type="checkbox"/> Husband <input type="checkbox"/> In-law <input type="checkbox"/> Intimate/sexual partner of any duration <input type="checkbox"/> Mother <input type="checkbox"/> Parent of child/children <input type="checkbox"/> Partner <input type="checkbox"/> Partner in perceived relationship <input type="checkbox"/> Partner in alleged marriage <input type="checkbox"/> Sister <input type="checkbox"/> Son <input type="checkbox"/> Related by adoption <input type="checkbox"/> Related by affinity (stepfamily member such as stepbrother) <input type="checkbox"/> Related by blood (family member such as cousin, uncle, aunt, nephew, niece) <input type="checkbox"/> Wife <input type="checkbox"/> other (specify:.....) 	
Surname (if known):	
Full names or name known to you by:	
ID. No/Date of birth if known or estimated age:	
Home address (if known):	
Home/work/ other contact telephone number (if known):	
Cell phone number (if known):	
Email address (if known):	
Social media platform/s on which the respondent has account/s (if known)	
The respondent's name, handle or number on each social media account (if known)	
Work/school/study address (if known):	

Occupation (incl. learner/student) (if known):	
Any other information regarding the Respondent that may be relevant/assist in identifying or tracing the Respondent:	

4. INFORMATION REGARDING ACTS OF DOMESTIC VIOLENCE

History of abuse e.g. dates, times/period, place/s, type/s of abusive behavior, instruments/weapons used, injuries, medical treatment *etc* (attach any documents/photos/witness statements/medical records *etc*):

Give full details regarding the most recent incident/s of domestic violence and also indicate whether any weapon was used, what injuries have been sustained and whether medical treatment was obtained

Date	
Place where it happened (If on social media, provide social media account details where it took place)	
State details of what happened:	
Any injuries? If yes, provide details, including what was used to cause such injuries	
Any medical or psychological or other treatment received	
Harm or damages caused – give details	
Date	
Place where it happened (If on social media, provide social media account details where it took place)	
State details of what happened	
Any injuries? If yes, provide details, including	

what was used to cause such injuries	
Any medical or psychological or other treatment received	
Harm or damages caused – give details	

Any other information regarding the acts of domestic violence that you think the court should know of:

5. 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:

Why is the application urgent?

Do you fear for your life/life of others? Explain:

What do you fear will happen if you do not get the protection order immediately?

Do you feel safe to go home today? If not, please explain why not?

Any other reasons why you need to get a protection order today?

What do you fear might happen to you if the protection order is not granted immediately?	
Are you still staying in the same place as the respondent?	
Are there firearms or other weapons in the house? Give details:	
Do you fear for your life or safety or the safety of your children or other relatives or people you know? Give details:	

6. TERMS OF PROTECTION ORDER

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

(a)	Not to commit or attempt to commit any of the following acts of domestic violence to the complainant: <input type="checkbox"/> physical abuse; <input type="checkbox"/> sexual abuse; <input type="checkbox"/> emotional, verbal or psychological abuse; <input type="checkbox"/> economic abuse; <input type="checkbox"/> intimidation; <input type="checkbox"/> harassment; <input type="checkbox"/> sexual harassment; <input type="checkbox"/> related person abuse; <input type="checkbox"/> spiritual abuse <input type="checkbox"/> damage to property; <input type="checkbox"/> elder abuse; <input type="checkbox"/> coercive behaviour; <input type="checkbox"/> controlling behaviour; <input type="checkbox"/> exposure of a child to domestic violence; <input type="checkbox"/> intimidating behaviour; <input type="checkbox"/> threatening behaviour; <input type="checkbox"/> abusive behaviour; <input type="checkbox"/> degrading behaviour; <input type="checkbox"/> offensive behaviour; or <input type="checkbox"/> humiliating behaviour.
(b)	<input type="checkbox"/> Not to get the help of another person to commit any act of domestic violence stated in paragraph (a) above.
(c)	<input type="checkbox"/> Not to enter the shared residence, situated at.....
(d)	<input type="checkbox"/> Not to enter a specified part of the shared residence, namely.....
(e)	<input type="checkbox"/> Not to enter the complainant's residence, situated
(f)	<input type="checkbox"/> Not to enter the complainant's workplace or place of studies, namely:
(g)	<input type="checkbox"/> 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 disclose or make available any electronic communication the following:
(i)	Not to commit any other act, namely

7. ADDITIONAL CONDITIONS

It is also requested that the Court must order that (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 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 maintenance:
(e)	The respondent is to pay the following other emergency monetary relief: <i>(For example: Funds for - food, necessities, transport, medical, dental, medication, counselling, school fees, relocation costs, household bills etc.)</i>
(f)	The respondent is refused any contact with the following child or children:
(g)	The respondent is granted the following contact with the above-mentioned child or children:

(h)	The physical address of the complainant's residence not to be disclosed to the respondent:
(i)	Other conditions requested:

8. PERSONAL PROPERTY (clothes, shoes, medication, children's items, jewelry, cosmetics, identity documents, passport, birth certificates, other daily necessities, items needed for school, study, work)

This list should not include furniture such as beds, lounge suites etc.

Property description:	Grounds on which property is considered to be personal property:	Address where property is kept:

9. I am likely to report a breach of the Protection Order at the Police Station.

10. The court I will be able to attend is

11. INDEX OF ANNEXURES TO THIS FORM

Mark each Annexure alphabetically, starting with 'Annexure B', and attach it to this form.	Give short description of Annexure, for example 'statement of witness X', 'CD with photographs'.
A - Personal information which may not be served on the respondent	
B	
C	
D	
E	

PART B: CERTIFICATE

I certify that before administering the *oath/*taking the affirmation I asked the Deponent the following questions and noted the Deponent's answers in the Deponent's 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 certify that the Deponent has acknowledged that the Deponent 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.

Sworn to/affirmed at this day of20

.....

Justice of the Peace/Commissioner of Oaths

Full names:

Designation:

Area for which appointed:

Work address:

.....

.....

(*Delete whichever is not applicable)

ANNEXURE A TO FORM 6 – PERSONAL INFORMATION WHICH MAY NOT BE SERVED ON THE RESPONDENT

1. PARTICULARS OF COMPLAINANT (Victim of domestic violence)	
Surname:	
Full names:	
ID. No/Date of birth (Note: if complainant is under the age of 18, he/she does NOT need the consent of a parent or guardian to make the application and does not need any other person to make the application on his/her behalf)	
Home or temporary address:	
Home/contact telephone number:	
Cell phone number to which messages can be sent to keep you up to date with the progress of your application:	
Email address:	
Would you prefer to have the matter heard through audio-visual link (if available):	
Email address/contact number where a link can be sent for audio-visual hearing:	
Any other social media account address where the court can contact you:	
Work address:	
Work telephone number:	
Nature of domestic relationship with person who committed the act of domestic violence (Respondent):	

Occupation (incl. learner/student):		
2. PARTICULARS OF PERSON MAKING THE APPLICATION ON BEHALF OF THE VICTIM (if applicable)		
Surname:		
Full names:		
ID. No/Date of birth:		
Home address:		
Home/contact telephone number:		
Cell phone number to which messages can be sent to keep you up to date with the progress of your application		
Email address:		
Work address:		
Work telephone number:		
Occupation (incl. learner/student):		
State reason(s) why application is made on behalf of the victim:		
Indicate whether written consent of victim has been obtained:		
Written consent has been obtained and is attached:		Written consent is not necessary since the victim is- <input type="checkbox"/> a child who cannot bring the application him/herself; <input type="checkbox"/> a person with a mental disability; <input type="checkbox"/> unconscious; <input type="checkbox"/> unable to provide consent because
3. PERSONS AFFECTED BY DOMESTIC VIOLENCE		
3.1 Particulars of children and adults sharing the residence:		
Name:	Age:	Relationship to complainant:
3.2 How are these persons affected?		

3.3 Do any of these persons suffer disabilities? If so, give details:	
Name and contact details of any person who witnessed the incident:	
Name and contact details of any person who witnessed the incident:	

Form 7

Consent from victim/complainant for another person to apply for Protection Order on behalf of victim/complainant

[Regulation 7(4)]

SECTION 4(3)(b) 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:)
CONSENT TO BRING APPLICATION ON BEHALF OF VICTIM/COMPLAINANT
1. I, (name and surname) the victim/complainant do hereby consent to the application for a protection order being made by (full names). 2. The application is being brought on my behalf for the following reason(s): (tick the box where relevant) <input type="checkbox"/> medical reasons/injury; <input type="checkbox"/> not able to get to court; <input type="checkbox"/> safety reasons/fear/scared <input type="checkbox"/> other, as set out below: (a) (b)

3. I also consent to the disclosure of my personal information, but only to an extent that such information is relevant to the application for a protection order.

SIGNED AT THIS DAY OF 20.....

COMPLAINANT

Form 8

Information notice to complainant who is not represented by a legal practitioner

[Regulation 8]

SECTION 4(2) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

INFORMATION NOTICE BY CLERK OF THE COURT

1. This notice explains-
 - (a) the relief that is available in terms of the Domestic Violence Act, 1998; and
 - (b) the right of the complainant to also lodge a criminal complaint against the respondent.
2. You will be required to sign this notice to confirm that there has been compliance with section 4(2) of the Domestic Violence Act, 1998, and regulation 8 of the Domestic Violence Regulations, 2022, made in terms of that Act, and which obliges me-
 - (a) to hand this notice to you, which must, if reasonably possible, be in the official language of your choice or that you understand;
 - (b) to read out or cause this notice to be read out to you if you are unable to read this notice;
 - (c) to inquire from you whether you understand the contents of this notice; and
 - (d) to explain any part of the notice which you don't understand.
3. You may—
 - 3.1 on any day and at any time, in terms of the law, apply for a protection order against domestic violence at the Magistrate's Court within the area in which-
 - (a) the complainant permanently or temporarily resides, studies, carries on business or is employed;
 - (b) the respondent (that is the person who commits an act of domestic violence) permanently or temporarily resides, studies, carries on business or is employed; or
 - (c) the act of domestic violence occurred.
 - 3.2 appoint a lawyer to assist you. If you cannot afford a lawyer, you can apply for legal aid or contact any non-government organisation to assist you.
4. 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.
5. A person commits an act of domestic violence if that person-
 - (a) physically abuses you;
 - (b) sexually abuses you;
 - (c) causes you emotional, verbal or psychological abuse;
 - (d) economically abuses you;
 - (e) intimidates you;
 - (f) harasses you;
 - (g) sexually harasses you;
 - (h) effects a related person abuse;
 - (i) spiritually abuses you;
 - (j) causes damage to property;
 - (k) causes or commits abuse against an older person;
 - (l) is involved in coercive behaviour;
 - (m) is involved in controlling behaviour;
 - (n) exposes a child to domestic violence;
 - (o) enters your permanent or temporary residence without your consent, where you and that person do not share the same residence; or your workplace or place of study, without your consent, where you and that person do not share the same workplace or place of study; or
 - (p) is involved in any other behaviour of an intimidating, threatening, abusive, degrading, offensive or of a humiliating nature towards you,

where such conduct harms or inspires the reasonable belief that harm may be caused to you.
6. An application for a protection order against domestic violence may be made by another person on your behalf if the person who intends to apply for the protection order has a material interest in your wellbeing. However,

such application must be brought with your written consent, except in circumstances where you are a person who, in the opinion of the court, is unable to give consent.

7. Any child, or person on behalf of a child, may apply to the court for a protection order.

8. The court will consider your application or the application brought on your behalf, and may—

8.1 if the evidence substantiates the fact that—

- (a) the respondent is engaging or has engaged in an act of domestic violence;
- (b) harm is being or may be suffered by you or a related person as a result of that conduct if a protection order is not issued immediately; and
- (c) the protection to be accorded by the interim protection order is likely not to be achieved if prior notice of the application is given to the respondent,

issue an interim protection order against the respondent; and

8.2 thereafter issue a temporary order which will—

- (a) 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
- (b) be valid for a certain period of time.

9. An interim protection order is of force and effect from the time it is issued by the court and the existence thereof has been brought to the attention of the respondent. A copy of the application and evidence noted during the application will be served on the respondent, together with the interim protection order, and the respondent will be called upon to show cause on the return date specified in the order why the interim protection order should not be made final. The protection afforded by an interim protection order is temporary in nature and will expire on the return date.

10. On the return date the court will hear the matter and may issue a permanent protection order which will be valid for an indefinite period or such period as the court may determine on good cause shown by the complainant.

10 If you share the same residence with the respondent, you may at the same time when you apply for a protection order, or at any time before the court issues a final protection order or discharges your application, apply for a safety monitoring notice. This notice requires the station commander to assign a member of the police for a period of time stipulated by the court to regularly check on and communicate with you to ensure that your personal safety is not threatened.

11. The court may, by means of an interim or final protection order prohibit the respondent from—

- (a) committing or attempting to commit any act of domestic violence;
- (b) enlisting the help of another person to commit any such act;
- (c) entering a residence shared by the complainant and the respondent: Provided that the court may impose this prohibition only if it appears to be in the best interests of the complainant;
- (d) entering a specified part of such a shared residence;
- (e) entering the complainant's residence;
- (f) entering the complainant's workplace or place of studies;
- (g) preventing the complainant who ordinarily lives or lived in a shared residence as contemplated in paragraph (c) above from entering or remaining in the shared residence or a specified part of the shared residence;
- (h) disclosing any electronic communication or making available any communication, as may be specified in the protection order; or
- (i) committing any other act as specified in the protection order.

12. The court may also impose any additional conditions on the respondent which it deems reasonably necessary to protect and provide for the safety, health or wellbeing of the complainant.

13. In terms of section 7(5) of the Domestic Violence Act, 1998, the physical, home, study and work address of the complainant or related person to whom the protection order relates must be omitted from the protection order, unless the nature of the terms of the protection order necessitates the inclusion of such particulars, and the court may issue any directions to ensure compliance with this provision of the Act.

14. Whenever a court issues an interim or final protection order, a warrant for the arrest of the respondent will be issued, but the execution of the warrant will be suspended subject to compliance with any prohibition, condition, obligation or order which the court may impose to prohibit the acts of domestic violence on the complainant. If the respondent contravenes any specified prohibition, condition, obligation or order contained in a protection order, the complainant may hand the warrant of arrest, together with an affidavit, wherein it must be stated that the respondent has contravened the protection order, to a member of the South African Police Service who must—

- (a) if there is a possibility that the complainant is suffering or may suffer harm as a result of the alleged breach of the protection order by the respondent, immediately arrest the respondent; or
- (b) if there are insufficient grounds for arresting the respondent, immediately hand a written notice to the respondent to appear before a court,

to answer to a criminal charge of contravening a protection order.

15.(a) You can at the same time when applying for a protection order or thereafter also apply for a safety monitoring notice, if you stay at the same place with the respondent. This application will require that an order be made for a police official will check on your safety regularly by telephone and in person for a specified period.

(b) I can give you the application forms to apply for a protection order and a safety monitoring notice if you want, or you can get these forms from the internet (go to "web address").

16. In addition to the application for a protection order you also have the right to lodge a criminal complaint against the respondent if the act of domestic violence also amounts to an offence. It is, however, not necessary to lay a criminal charge in order to obtain a protection order.

17. WARNING:

17.1 It is a criminal offence to make a false statement in an—

- (a) application for a protection order;
- (b) application for safety monitoring notice; or
- (c) affidavit to the effect that the respondent has contravened a protection order.

17.2 The court may make an order as to costs against a person if it is satisfied that the person in question has acted frivolously, vexatiously or unreasonably.

(*Delete whichever is not applicable)

Application Number:/20.....

Date:

Name and surname of clerk of the court:

Name and surname of *complainant/*person who applies for a protection order on behalf of the complainant:

.....

.....

***Signature/*thumb print /*mark of *complainant/*person who applies for a protection order on behalf of the complainant**

Annexure to Form 8 **CONFIRMATION OF RECEIPT OF FORM 8**

(To place on court file if the complainant or person who applies for a protection order on behalf of the complainant proceeds with the application)

(*Delete whichever is not applicable)

Application Number:/20.....

Date:

Name and surname of *complainant/person who applies for a protection order on behalf of the complainant:

.....

I confirm that—

- (a) the information notice was given to me;
- (b) it was in the official language of my choice or that I understand;
- (c) it was *read out to me/ I read it myself
- (d) I was asked whether I understand the contents of the notice; and
- (e) any part of the notice which I did not understand was explained to me.

.....

***Signature/*thumb print /*mark of *complainant/*person who applies for a protection order on behalf of the complainant**

Name and surname of clerk of the court:

.....

Signature

Stamp of clerk
of the court

Form 9 **Application for domestic violence safety monitoring notice**

[Regulation 10(1)]

SECTION 4A(1) 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:	
..... (Complainant)	
AND	
..... (Respondent)	

PART A : APPLICATION (To be completed by complainant/person on behalf of complainant)		
1 PARTICULARS OF COMPLAINANT/PERSON ACTING ON BEHALF OF COMPLAINANT		
Surname:		
Full names:		
2 PARTICULARS OF RESPONDENT		
Surname:		
Full names or name known to you by:		
Identity number/Date of birth:		
Cell phone number:		
Email address:		
Social media platform/s on which the respondent has account/s (if known)		
The respondent's name, handle or number on each social media account		
Residential/work address (including school or place of study)		
Work telephone number:		
Occupation (including learner/student):		

3 PARTICULARS OF PROTECTION ORDER	
A protection order- * <input type="checkbox"/> was granted on(date); or <input type="checkbox"/> is being applied for together with this application: (*Tick whichever is applicable)	

4 APPLICATION REGARDING SAFETY MONITORING NOTICE	
I wish to apply for the Safety Monitoring Notice as I share the above-mentioned residence with the respondent.	
The reasons for application:	(*Tick whichever is applicable) (a) Same reasons as in the application for protection order: yes <input type="checkbox"/> no: <input type="checkbox"/>

	<p>(b) I fear the respondent may hurt *me/the complainant in that:</p> <p>(i) the respondent has been in breach of a protection order: yes <input type="checkbox"/> no: <input type="checkbox"/></p> <p>(ii) the respondent been arrested: yes <input type="checkbox"/> no: <input type="checkbox"/></p> <p>(iii) the respondent been released on bail: yes <input type="checkbox"/> no: <input type="checkbox"/></p> <p>(iv) the respondent made threats to you / a related person / household pet / animal / property: yes <input type="checkbox"/> no: <input type="checkbox"/></p> <p>(c) If the answer is yes in any of the questions in (b) above, please give details:</p> <p>(i).....</p> <p>(ii).....</p> <p>(iii).....</p> <p>(d) Any other or further reasons for applying for safety monitoring notice:</p> <p>(i).....</p> <p>(ii).....</p> <p>(iii).....</p> <p>.....</p> <p>.....</p> <p>.....</p>
Supporting Affidavit	<p>The supporting affidavit of a person who has knowledge of my situation is *attached/not attached:</p> <p>(*Delete whichever is not applicable)</p>
Index of supporting evidence/document	
Mark each Annexure alphabetically, starting with 'Annexure B', and attach it to this form.	Give short description of Annexure, for example 'statement of witness X', 'CD with photographs'.
A - The supporting affidavit of a person who has knowledge of my situation (if applicable)	
B	
C	
D	
E	

Signature of complainant/person on behalf of complainant	
--	--

<p>PART B : CERTIFICATE</p> <p>I certify that before administering the *oath/*taking the affirmation I asked the Deponent the following questions and noted the Deponent's answers in the Deponent's presence as indicated below:</p> <p>(a) Do you know and understand the contents of the above declaration?</p> <p>Answer:</p> <p>(b) Do you have any objection to taking the prescribed oath?</p> <p>Answer:</p> <p>(c) Do you consider the prescribed oath to be binding on your conscience?</p> <p>Answer:</p> <p>I certify that the Deponent has acknowledged that the Deponent 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.</p>

Sworn to/affirmed at this day of20

Justice of the Peace/Commissioner of Oaths

Full names:

Designation:

Area for which appointed:

Work address:

(*Delete whichever is not applicable)

Form 10
Court order for domestic violence safety monitoring

[Regulation 10(2)]

SECTION 4A(7) 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:

..... **(Complainant)**

AND

..... **(Respondent)**

1. Whereas a protection order was granted on the day of 20..... in the Magistrate's Court of; and

2. Whereas the court found that-

2.1 the complainant and respondent share the same residence, and the complainant has applied for a safety monitoring notice; and

2.2 there are reasonable grounds to suspect that the respondent poses a threat to the complainant's personal safety.

3. Therefore the court orders that-

3.1 the safety monitoring notice is hereby issued;

3.2 the station commander of Police Station is ordered to assign a member of the South African Police Service immediately after receiving this court order.

3.3 The assigned member of the South African Police Service must:

(a) serve the respondent with a copy of this order within 24 hours of being assigned;

(b) contact the complainant immediately after receiving this court order, by any means contained in the Annexure to this court order to ascertain the safety of the complainant;

(c) go to the shared residence to serve the respondent with a copy of this court order by hand, and there communicate with the complainant in private to ascertain the safety of the complainant;

(d) in the event that member is prevented from seeing the complainant—

(i) enter the joint residence to see and to communicate with the complainant in private; and

(ii) overcome resistance against such entry by using as much force as is reasonably required by the circumstances, including breaking a door or window of the residence.

(e) if the notice could not be served, the member must contact the complainant or a person acting on behalf of the complainant in person or telephonically for assistance on the whereabouts of the respondent, for the purpose of serving the respondent with this court order.

(f) within 6 hours of receiving this court order, submit a return of service/non-service to the clerk of the court by hand or electronically.

4. In addition (insert out any other conditions or directions):

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

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF	
HELD AT	APPLICATION NO. /
In the matter between: (Complainant) AND (Respondent)	
ANNEXURE TO COURT ORDER FOR DOMESTIC VIOLENCE SAFETY MONITORING	
The complainant named must be contacted on the following details: Address of the shared residence: Address other than the shared residence: Telephone number: Cell phone number: Email address: Any other relevant contact details:	

[Regulation 10(7)]
SECTION 4A(11) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

PART B : CERTIFICATION

I certify that before administering the *oath/* taking the affirmation I asked the Deponent the following questions and noted the Deponent's answers in the Deponent's 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 certify that the Deponent has acknowledged that the Deponent 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.

Sworn to/affirmed at this day of20

Justice of the Peace/Commissioner of Oaths

Full names:

Designation:

Area for which appointed:

Work address:

(*Delete whichever is not applicable)

Form 12 Interim Protection Order

[Regulation 11(1)]

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:)
(* Delete whichever is not applicable)		
1 PARTICULARS OF RESPONDENT		
Home Address:	(Tel.No.)	
Work Address:	(Tel.No.)	

Occupation:

2 PARTICULARS OF APPLICATION

The complainant/person on behalf of the complainant has applied for a protection order against the **respondent** as per the application 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	An Interim Protection Order is granted; and the respondent is ordered-
3.1.1.1	<input type="checkbox"/> not to commit or attempt to commit the following acts of domestic violence towards the complainant: <input type="checkbox"/> physical abuse; <input type="checkbox"/> sexual abuse; <input type="checkbox"/> emotional, verbal or psychological abuse; <input type="checkbox"/> economic abuse; <input type="checkbox"/> intimidation; <input type="checkbox"/> harassment; <input type="checkbox"/> sexual harassment; <input type="checkbox"/> related person abuse; <input type="checkbox"/> spiritual abuse <input type="checkbox"/> damage to property; <input type="checkbox"/> elder abuse; <input type="checkbox"/> coercive behaviour; <input type="checkbox"/> controlling behaviour; <input type="checkbox"/> exposure of a child to domestic violence; <input type="checkbox"/> intimidating behaviour; <input type="checkbox"/> threatening behaviour; <input type="checkbox"/> abusive behaviour; <input type="checkbox"/> degrading behaviour; <input type="checkbox"/> offensive behaviour; or <input type="checkbox"/> humiliating behaviour.
3.1.1.2	<input type="checkbox"/> not to enlist the help of another person to commit the acts of domestic violence specified in paragraph 3.1.1.1;
3.1.1.3	<input type="checkbox"/> not to enter the shared residence at:
3.1.1.4	<input type="checkbox"/> not to enter the following parts of the shared residence at:
3.1.1.5	<input type="checkbox"/> not to enter the complainant's residence at:
3.1.1.6	<input type="checkbox"/> not to enter the complainant's place of employment at:
3.1.1.7	<input type="checkbox"/> not to enter the complainant's place of study at:

	3.1.1.8	<input type="checkbox"/> not to prevent the complainant or any child who ordinarily lives or lived in the shared residence at from entering or remaining in the shared residence, or any part thereof;
	3.1.1.9	<input type="checkbox"/> not to commit any of the following acts, to wit: (i) (ii) (iii) (iv) (v)
	3.1.1.10	<input type="checkbox"/> to pay interim maintenance in the sum of R per month/week until the return date. The matter is also referred to the Maintenance Court for a maintenance investigation.
	3.1.1.11	<input type="checkbox"/> to make rent or mortgage payments in the sum of R per month/annum;
	3.1.1.12	<input type="checkbox"/> to pay the following to the complainant as emergency monetary relief: (i) (ii) (iii)
	3.1.1.13	<input type="checkbox"/> return the following property to the complainant: (i) (ii) (iii)
	3.1.1.14	<input type="checkbox"/> surrender the following weapon(s) in the possession of the respondent: (i) (ii) (iii)
(Tick box and complete where necessary)		
4 ADDITIONAL ORDERS		
4.1	It is further ordered that-	
	4.1.1	<input type="checkbox"/> A peace officer, namely accompanies the complainant to the following residence in order to assist with arrangements regarding the collection of personal property, i.e. (i) (ii) (iii) (iv) (v)
	4.1.2	<input type="checkbox"/> A member of the South African Police Service at station seizes the following weapon(s) in the possession of the Respondent, i.e. (i) (ii)
	4.1.3	<input type="checkbox"/> The complainant's contact details not be disclosed to the Respondent;
	4.1.4	<input type="checkbox"/> The Respondent is ordered not to have any contact with the following child(ren) until an enquiry has been

		concluded in terms of the Children's Act. The matter is referred to the Children's Court for an enquiry.	
	4.1.5	<input type="checkbox"/> The respondent is allowed contact with the following child(ren) on the following basis, until an enquiry has been concluded in terms of the Children's Act: (i) (ii) (iii) The matter is referred to the Children's Court for an enquiry.	
	4.1.6	<input type="checkbox"/> The respondent: (i) (ii) (iii)	
4.2	A warrant of arrest 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	In terms of sections 5(3)(a) and 13(1)(a) of the Act, <input type="checkbox"/> the clerk of the court (name and surname) <input type="checkbox"/> member of the South African Police Service of(station) <input type="checkbox"/> peace officer <input type="checkbox"/> sheriff is hereby directed to serve this order, together with certified copies of the application for a protection order, supporting documents, supporting affidavit and record of evidence on the respondent by hand or electronically.		
4.4	A copy of this order and the copy of warrant of arrest must be forwarded to the..... Police Station, once this interim order has been served on the Respondent.		
4.5	A copy of this order and the original warrant of arrest must be served immediately to the complainant, once this interim order has been served on the respondent.		
(Tick box and complete where necessary)			
5 DATE OF CONFIRMATION OF ORDER			
5.1	The respondent is hereby informed of their right to appear in the Magistrate's Court at on the day of 20 at 08:30 in order to give reasons why the interim protection order should not be confirmed and made final; and of their right to have the matter heard on an earlier date after at least 24 hours' written notice to the complainant and the aforesaid court.		
5.2	The respondent is further informed that if they do not appear in court on the above-mentioned date and time, and the court is satisfied that this notice was properly served on them, and is satisfied that they committed or are committing an act of domestic violence, this order will be confirmed and made final.		
MAGISTRATE	DATE		

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:)	
* Delete whichever is not applicable.		
NOTICE TO RESPONDENT:		
1 Particulars of Respondent		
Home Address:		
Telephone number:		
Cellphone number:		
Facsimile number:		
E-mail address:		
Social media page /number or handle		
Work Address:		
Occupation		
2 Particulars of Application		
On..... (date), the complainant applied for a protection order against you. The court considered the application but has not issued an interim (temporary) 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 attend court and 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 an earlier date after you have given at least 24 hours' written notice to the complainant 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.

3.4 If you prefer to attend court through an audio-visual link (if available), you must contact:

Name:

Contact number

Email address

to provide the email address/number where the link for the audio-visual hearing could be sent.

CLERK OF THE COURT	DATE	
---------------------------	-------------	--

Form 14 Subpoena for witness

[Regulation 14(1)(a)]

SECTION 5A(1) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

Must be completed in duplicate: The original is to be served on the person identified in the subpoena and the document which serves as proof of service must, together with the duplicate original subpoena, be furnished to the clerk of the court.

APPLICATION NO/.....

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

Address of Magistrate's court:

.....

In the matter between:

COMPLAINANT:

and

RESPONDENT:

In terms of regulation 14 of the Domestic Violence Regulations, 2022, a member of South African Police Service/sheriff/identified person (name and surname of person identified by the court), is hereby ordered to serve this subpoena at least 10 court days before date of hearing on:

Surname:	
Full names:	
ID Number/date of birth:	
Home address:	

Home telephone number:		
Cellphone number:		
Facsimile number:		
Email address:		
Social media page/number or handle:		
Work address:		
Work telephone number:		
Occupation:		

who is hereby subpoenaed by the court to appear in person in the Magistrate's Court of held at

Court no.:

Date:

Time:

in the above-mentioned matter to:

☐ give evidence;

☐ give evidence and to produce the book, document, video, photograph, audio-clip, USB or any object specified in the list hereunder.

A subpoenaed person must, before 12:00 pm on the day before the date of hearing—

(a) deliver the listed book, document, video, photograph, audio-clip, USB or any identified object to the clerk of the court by hand; or

(b) if possible, send the said book, document, video, photograph, audio-clip or any identified object to the clerk of the court electronically, to (email address); or

(c) if possible, upload the said book, document, video, photograph, audio-clip or any identified object on the online portal at (web address)

If audio-visual testimony has been authorised by the court, the following person must be contacted for arrangements and assistance with audio-visual testimony:

Name and surname:

Telephone/cell No.:

Email:

CLERK OF THE COURT		DATE
		Office stamp

LIST AND DESCRIPTION OF BOOK, DOCUMENT, VIDEO, PHOTOGRAPH, AUDIO-CLIP, USB etc TO BE PRODUCED

(a)

(b)

(c)

(d)

(e)

WARNING:

- (1) A person who is subpoenaed as a witness or to produce a book, document, video, photograph, audio-clip, USB or any identified object and who fails to-
- (a) attend or to remain in attendance at the proceedings;
 - (b) appear at the place and on the date and at the time to which the proceedings in question may be adjourned;
 - (c) remain in attendance at those proceedings as adjourned; or
 - (d) produce any book, document, video, photograph, audio-clip, USB or any object specified in the subpoena,
- is in terms of section 5A(3), read with section 17(2), of the Domestic Violence Act, 1998, guilty of an offence, and is liable on conviction to a fine or imprisonment for a period not exceeding six months or to such fine and such imprisonment or both.
- (2) A person who is subpoenaed to produce a book, document, video, photograph, audio-clip, USB or any object specified in the subpoena must deliver such book, document, video, photograph, audio-clip, USB or object to the clerk of the court before the hearing.

Form 15

Subpoena for book, document, video, photograph, audio-clip, USB or objects

[Regulation 14(1)(b)]

SECTION 5A(1) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

Must be completed in duplicate: The original is to be served on the person identified in the subpoena and the document which serves as proof of service must, together with the duplicate original subpoena, be furnished to the clerk of the court.

APPLICATION NO/.....

Magistrate's court for the district of

Address of Magistrate's court:

.....

In the matter between

COMPLAINANT:

and

RESPONDENT:

In terms of regulation 14 of the Domestic Violence Regulations, 2022, a member of South African Police Service/sheriff/identified person (name and surname of person identified by the court), is hereby ordered to serve this subpoena at least 10 court days before date of hearing on:

Surname:	
Full names:	
ID Number/date of birth:	
Home address:	
Home telephone number:	

Cell phone number:	
Facsimile number:	
Email address:	
Social media page/number or handle:	
Work address:	
Work telephone number:	

who is hereby subpoenaed by the court to appear in person in the Magistrate's Court of at

Court no.:

Date:

Time:

in the above-mentioned matter to produce the book, document, video, photograph, audio-clip, USB or any object specified in the list hereunder.

A subpoenaed person must, before 12:00 pm on the day before the date of hearing—

- (a) deliver the listed book, document, video, photograph, audio-clip, USB or any identified object to the clerk of the court by hand; or
- (b) if possible, send the said book, document, video, photograph, audio-clip or any identified object to the clerk of the court electronically, to (email address); or
- (c) if possible, upload the said book, document, video, photograph, audio-clip or any identified object on the online portal at (web address)

<p>_____</p> <p>CLERK OF THE COURT</p>	<p>_____</p> <p>DATE</p>
	<p>Office stamp</p>

LIST AND DESCRIPTION OF BOOK, DOCUMENT, VIDEO, PHOTOGRAPH, AUDIO-CLIP, USB etc TO BE PRODUCED

- (a)
- (b)
- (c)
- (d)
- (e)

WARNING:

(1) A person who is subpoenaed to produce a book, document or object and who fails to-

- (a) attend or to remain in attendance at the proceedings;
 - (b) appear at the place and on the date and at the time to which the proceedings in question may be adjourned;
 - (c) remain in attendance at those proceedings as so adjourned; or
 - (d) produce any book, document or object specified in the subpoena,
- is in terms of section 5B(3), read with section 17(2), of the Domestic Violence Act, 1998, guilty of an offence, and is liable on conviction to a fine or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2) A person who is subpoenaed to provide the book, document or object must deliver the book, document or object specified in the subpoena to the clerk of the court before 12:00 on the day before the date of hearing.

WARNING:

(1) A person who is subpoenaed to produce a book, document, video, photograph, audio-clip, USB or any identified object and who fails to produce such book, document, video, photograph, audio-clip,

USB or any object specified in the subpoena, is in terms of section 5A(3), read with section 17(2), of the Domestic Violence Act, 1998, guilty of an offence, and is liable on conviction to a fine or imprisonment for a period not exceeding six months or to such fine and such imprisonment.

(2) A person who is subpoenaed to produce a book, document, video, photograph, audio-clip, USB or any object must deliver the book, document, video, photograph, audio-clip, USB or any object specified in the subpoena to the clerk of the court before the hearing.

Form 16

Direction issued to electronic communications service provider to furnish information to court

[Regulation 15(1)]

SECTION 5B(1)(b) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

APPLICATION /
<p>DIRECTION NO / 20.....</p> <p>MAGISTRATE'S COURT FOR THE DISTRICT OF</p> <p>Address of Magistrate's court:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>In the matter between</p> <p>COMPLAINANT:</p> <p>and</p> <p>RESPONDENT:</p> <p>To:</p> <p style="text-align: center;">(Electronic communications service provider)</p> <p>(a) Facsimile number of Magistrate's Court:</p> <p>(b) Phone number of Magistrate's Court</p> <p>(c) Email address of Magistrate's Court:</p>
<p>(*Delete whichever is not applicable)</p>
<p>To be completed by the magistrate:</p> <p>1 On (date) an application for the issuing of an interim protection order against the domestic violence perpetrated on the complainant was considered by me (name and surname of magistrate) in the Magistrate's Court for the district of</p> <p>2 As a result of evidence that was produced to the court, I am satisfied in terms of section 5(2) of the Domestic Violence Act, 1998 (Act No. 116 of 1998), that there is an act of domestic violence that has been perpetrated against the complainant by means of electronic communication or electronic mail over an electronic communications system of an electronic communications service provider and you are therefore directed to provide the court with the information as indicated in paragraph 5 and/or 6 hereunder.</p> <p>3 The relevant particulars of the complainant are as follows:</p> <p>3.1 Full names and surname:</p> <p>3.2 Address:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>3.3 Identity number:</p> <p>3.4 Contact number:</p> <p>3.5 Email address:</p> <p>4 Particulars of offensive electronic communication or electronic mail:</p>

A. Name of electronic communications service provider which provides an electronic communications service/s to the complainant through which the offensive conduct was received and type of electronic communications service so provided.	
B. Electronic communications identity number/s associated with the aforementioned service/s assigned to the complainant.	
C. Date on which electronic communication was received by the complainant.	
D. Time on which electronic communication was received by the complainant.	
E. Duration of communication received by the complainant.	
F. Electronic communications identity number from which the offensive communication originated, where available.	
G. Electronic communications service provider to which the electronic communications identity number mentioned in paragraph F has been assigned.	

***5 To be completed where the electronic communications identity number from which the offensive conduct originated and the electronic communications service provider to which such electronic communications identity number has been assigned, have been identified either by the complainant or by an electronic communications service provider in terms of paragraph 6, below**

As indicated in paragraph 4, above, the electronic communications identity number/s from which the offensive conduct originated and the electronic communications service provider to which such electronic communications identity number/s has/have been assigned, has/have been identified (see paragraphs 4.F and 4.G, above) and the electronic communications service provider is therefore directed to provide the court with-

- (a) the full names, surname, address and identity number of the person to which such electronic communications identity number/s has/have been assigned if the person is/was a client of the electronic communications service provider;
- (b) a confirmation that, according to the records of the electronic communications service provider, the electronic communication or electronic mail was/were sent or not sent from the electronic communications identity number/s identified in paragraph 4.F to the electronic communications identity number/s furnished in paragraph 4.B;
- (c) any other information that is available to an electronic communications service provider which may be of assistance to the court to identify the electronic communications service provider whose service is used to host or was or is used to disclose any data message relating to this matter; and
- (d) an assessment and confirmation whether or not the electronic communications service provider is in a position to remove the electronic communication or a link to the electronic communication, or to disable access to an electronic communication or a link to an electronic communication relating to this matter.

***6 To be completed where the electronic communications service provider which provides a service to the complainant is requested to furnish information to the court in order to identify the electronic communications identity number from which the offensive conduct originated and the electronic**

communications service provider to which such electronic communications identity number has been assigned

As indicated in paragraph 4F, above, the electronic communications identity number/s from which the offensive conduct originated, is/are not available, and the electronic communications service provider identified in paragraph 4A is therefore directed to identify and provide the court with-

- (a) the electronic communications identity number/s from which the offensive conduct originated, where available;
- (b) (i) the full names, surname, address and identity number of the person to whom such electronic communications identity number/s has/have been assigned if the person is/was a client of the electronic communications service provider; and
 - (ii) a confirmation that, according to the records of the electronic communications service provider, the electronic communication/s or electronic mail was/were sent or not sent from the electronic communications identity number/s identified by the electronic communications service provider to the electronic communications identity number furnished in paragraph 4.B;
- (c) the name and particulars of the electronic communications service provider/s that can assist the court to identify the electronic communications identity number/s in paragraph 4.F and the person/s to which the electronic communications identity number/s has/have been assigned;
- (d) any other information that is available to an electronic communications service provider that may be of assistance to the court to identify the respondent or electronic communications service provider that provides a service to the respondent;
- (e) any other information that is available to an electronic communications service provider which may be of assistance to the court to identify the electronic communications service provider whose service is used to host or was or is used to disclose any data message relating to this matter; or
- (f) an assessment and confirmation whether or not the electronic communications service provider is in a position to remove the electronic communication or a link to the electronic communication, or to disable access to an electronic communication or a link to an electronic communication relating to this matter.

7 The information under paragraph 5 or 6 must, in terms of section 5B(3)(a) of the Domestic Violence Act, 1998, be submitted to the court within five ordinary court days from the time that the direction is served on an electronic communications service provider.

8 An electronic communications service provider may, in terms of section 5B(3)(b) of the Domestic Violence Act, 1998, apply to the court for-

- (a) an extension of the five court day period on the ground that the information cannot be provided timeously; or
- (b) cancellation of the direction on the ground that-
 - (i) it does not provide an electronic communications service to either the complainant or respondent;
 - (ii) the requested information is not available in the records of the electronic communications service provider; or
 - (iii) its service is not used to host or was or is not used to disclose the electronic communication in question.

9 In terms of section 17(3) of the Domestic Violence Act, 1998, it is an offence not to provide the information within five ordinary court days or such extended period allowed by the court following an application in terms of section 5B(3)(b) of that Act.

10 In terms of section 5B(2) of the Domestic Violence Act, 1998, I hereby direct that Mr/Ms. (name and surname), who is a clerk of the court, must serve this direction on the electronic communications service provider in accordance with regulation 32 of the Domestic Violence Regulations, 2022, to the following facsimile number/email address:

11 The information must be furnished to the court in the form of an affidavit, prescribed by regulation 16(3) of the Domestic Violence Regulations, 2022, which must be transmitted to the court by means of a facsimile or electronic mail to the following facsimile number/email addressin accordance with regulation 32 of those Regulations, and must be addressed to: (name and surname of clerk of the court).

The affidavit must at all times be marked as confidential.

<p>_____</p> <p>MAGISTRATE</p>	<p>_____</p> <p>DATE</p>
	<p>Office stamp</p>

12 TO BE COMPLETED BY THE CLERK OF THE COURT WHO IS IN TERMS OF PARAGRAPH 10 DIRECTED BY THE COURT TO SERVE DIRECTION ON ELECTRONIC COMMUNICATIONS SERVICE PROVIDER

<p>I, (name and surname) am the clerk of the court who is directed, in terms of paragraph 10, to serve this direction on the electronic communications service provider.</p> <p>My contact details are as follows:</p> <p>Facsimile number:</p> <p>Telephone number:</p> <p>E-mail address:</p> <p>Physical address:</p> <p>.....</p> <p>Signature:</p> <p>Persal number:</p> <p>Date:</p>
(CONFIDENTIAL)

Form 17
Court order regarding payment of costs of electronic communications service provider

[Regulation 15(4)(b)]
SECTION 5B(10)(c) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

<p>IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF</p> <p>HELD AT APPLICATION NO</p> <p>In the matter between:</p> <p>APPLICANT</p> <p>(*ID. No. /Date of Birth:)</p> <p>AND</p> <p>RESPONDENT:</p> <p>(*ID. No. /Date of Birth:)</p>	
<p>1 Whereas on the day of 20 the court held an inquiry contemplated in section 5B(10)(b) of the Domestic Violence Act, 1998 (Act No. 116 of 1998) to determine the ability of the complainant to pay the costs of the electronic communication service provider.</p> <p>2 Therefore in terms of section 5B(10)(c) of the Domestic Violence Act, 1998 the court orders that-</p> <p><input type="checkbox"/> the complainant;</p> <p><input type="checkbox"/> person acting on behalf of the complainant; or</p> <p><input type="checkbox"/> the state,</p> <p>must pay the costs of the electronic communications service provider in the sum of R</p> <p>Dated at this day of 20...</p>	
<p>_____</p> <p>MAGISTRATE</p>	<p>_____</p> <p>DATE</p>
<p>(*Delete whichever is not applicable)</p> <p>(Tick and complete where necessary)</p>	

Affidavit by electronic communications service provider furnishing information to court

[Regulation 16(3)]

SECTION 5B(1)(b) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

(CONFIDENTIAL)
APPLICATION NO/20 DIRECTION NO/20..... To: (name and surname of clerk of the court identified in the direction) Facsimile number: E-mail address: From: (name and surname of designated person) of (name of electronic communications service provider) Facsimile number: E-mail address: Telephone number: Physical address: (*Delete whichever is not applicable)

*PART A

I, (name, surname and identity number) employed as a (designation) at (name of electronic communications service provider) situated at the following address

 hereby state as follows:

*** With reference to paragraph 5 of the direction, the following information which is available in the records of this electronic communications service provider is hereby provided:**

(a) The electronic communications identity number/s from which the electronic communication/s originated as indicated in paragraph 4.F of the direction, *is/are *was/were assigned to this electronic communications service provider. The particulars of the client to which this /these electronic communications identity number/s *is/are *was/were assigned are as follows:

(i) Full names and surname:

(ii) Address:

(iii) Identity number:

(b) The electronic communications identity number/s, provided in paragraph 4.F of the direction-

* (i) contacted the electronic communications identity number/s set out in paragraph 4.B of the direction as indicated in the table below:

(aa) Electronic communications identity number from which communication originated as identified in paragraph 4.F of the direction	(bb) Electronic communications identity number contacted as identified in paragraph 4.B of the direction	(cc) Time and date of communication	(dd) Duration of communication

*(ii) did not contact the electronic communications identity number/s set out in paragraph 4.B of the direction.

***2 With reference to paragraph 6 of the direction, the following information which is available in the records of this electronic communications service provider is hereby provided:**

*(a) From the information available in the records of this electronic communications service provider, the following electronic communications identity number/s contacted the electronic communications identity number/s set out in paragraph 4.B of the direction on the date/s and time/s identified in paragraphs 4.0 and 4.D of the direction:

(i) Electronic communications identity number from which communication originated	(ii) Electronic communications identity number contacted as identified in paragraph 4.B of direction	(iii) Time and date of communication	(iv) Duration of communication

*(b) The electronic communications identity number/s identified under Item (a)(i), is/are assigned to a client of this electronic communications service provider whose particulars are as follows:

(i) Full names and surname:

.....

(ii) Address:

.....

(iii) Identity number:

*(c) The electronic communications identity number/s from which the communications originated as is identified in paragraph 4.F of the direction is/are not assigned to this electronic communications service provider but is/are assigned to the following electronic communications service provider/s, if known:

.....

.....

.....

.....

.....

*(d) The following information that is available to an electronic communications service provider may be of assistance to the court to identify the electronic communications service provider whose service is used to host or was or is used to disclose any data message relating to this matter:

.....

.....

.....

.....

*(e) The electronic communications service provider-

(i) *is / is not in a position to remove the electronic communication or a link to the electronic communication; and

(ii) *is / is not in a position to disable access to an electronic communication or a link to an electronic communication relating to this matter.

*(f) The following information that is available to an electronic communications service provider may be of assistance to the court to facilitate or ensure the removal or the disabling of access to the electronic communication or a link to the electronic communication relating to this matter.

.....

3 In terms of section 5B(7) of the Domestic Violence Act, 1998, the respondent will within 48 hours of providing information contained herein, by means of (type of electronic communication), which will be addressed to the following electronic communications identity number , be informed-

- (a) that the information referred to in paragraph/s*1(a)/*1(b)(i)/*1(b)(ii)/*2(a)/*2(b)/*2(c)/*2(d)/*2(e)(i)/*2(e)(ii)/*2(f) was provided to the court;
- (b) of the reference number of the direction; and
- (c) of the name and address of the court.

***PART B**

The following additional information is hereby provided which may be to the assistance of the court to identify the electronic communications identity number/electronic communications service provider/identity/address of the person from which the offensive communication/s originated:

.....

PART C: DECLARATION

Signature of Deponent

I certify that before administering the *oath/taking the affirmation I asked the Deponent the following questions and noted the Deponent's answers in the Deponent's 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 certify that the Deponent has acknowledged that the Deponent knows and understands the contents of this declaration which was *sworn to/affirmed before me, and the Deponent's signature was placed thereon in my presence.

Sworn to/affirmed at this day of20

Justice of the Peace/Commissioner of Oaths

Full names:

Designation:

Area for which appointed:

Work address:

.....

(CONFIDENTIAL)

(*Delete whichever is not applicable)

Form 19

Application by electronic communications service provider for extension of period within which information must be provided to court or cancellation of direction

[Regulation 17(1)]

SECTION 5B(3)(b) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

DIRECTION NO/20.... To: <div style="text-align: center;">(The clerk of the court)</div> Facsimile number of clerk of the court: E-mail address of clerk of the court: From: <div style="text-align: center;">(name and surname of designated person)</div> of <div style="text-align: center;">(name of electronic communications service provider)</div> E-mail address: Facsimile number:..... Telephone number: Physical address:.....	APPLICATION /.....	
* Mark with a cross(x) whichever is applicable To be completed by designated person of electronic communications service provider: 1 On behalf of the above-mentioned electronic communications service provider, I am duly authorised to apply for-		
(a)	an extension of the five-court day period for a further period of five court days within which the affidavit must, in terms of section 5B(3)(a) of the Domestic Violence Act, 1998, be submitted to the court	*
(b)	the cancellation of the direction on the ground that this electronic communications service provider does not provide an electronic communications service to the respondent	*
(c)	the cancellation of the direction on the ground that this electronic communications service provider does not provide an electronic communications service to the complainant	*
(d)	the cancellation of the direction on the ground that the requested information is not available in the records of this electronic communications service provider	*
(e)	the cancellation of the direction on the ground that the service of this electronic communications service provider is not used to host or was or is not used to disclose the electronic communication relating to this matter	*

2 I, (name, surname and identity number) working as a (designation) at (name of electronic communications service provider) situated at the following address

Request for additional evidence by court regarding extension of time period

SECTION 5B(4)(b) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

APPLICATION NO/.....

DIRECTION NO/20.....

To: <div style="text-align: center;">(Electronic communications service provider)</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> (a) Facsimile number of Magistrate's Court: (b) E-mail address of Magistrate's Court (c) Phone number of Magistrate's Court </div> <div style="width: 35%;"> * Mark with a cross(x) whichever is applicable </div> </div>		
To be completed by the magistrate: 1 On (date) an application was made by the above-mentioned electronic communications service provider for-		
(a)	an extension of the five court day period for a further period of five court days within which the affidavit must, in terms of section 5B(3)(a) of the Domestic Violence Act, 1998, be submitted to the court	*
(b)	the cancellation of the direction on the ground that this electronic communications service provider does not provide an electronic communications service to the respondent	*
(c)	the cancellation of the direction on the ground that this electronic communications service provider does not provide an electronic communications service to the complainant	*
(d)	the cancellation of the direction on the ground that the requested information is not available in the records of this electronic communications service provider	*
(e)	the cancellation of the direction on the ground that the service of this electronic communications service provider is not used to host or was or is not used to disclose the electronic communication relating to this matter	*
2 In order to consider the request set out in paragraph 1 above, the electronic communications service provider is hereby requested to give the following additional evidence in the form of an affidavit to this court: <div style="border: 1px solid black; height: 150px; margin-top: 5px;"></div>		
3 I hereby direct Mr/Ms. (name and surname), who is a clerk of the court, to serve this request, in accordance with regulation 32 of the Domestic Violence Regulations, 2022, on the electronic communications service provider to the following facsimile number/e-mail address:/.....		
4 The information requested in terms of paragraph 2 of this request must be furnished to the court by not later than (date and time) in the form of an affidavit which corresponds substantially with Form 21 of the Annexure to the Domestic Violence Regulations, 2022, and which must be filed with the clerk of		

the court whose particulars appear in paragraph 6 of this request in accordance with regulation 32 of the Regulations.

5 The affidavit must at all times be marked as confidential.

MAGISTRATE	DATE
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I certify that before administering the *oath/taking the affirmation I asked the Deponent the following questions and noted the Deponent's answers in the Deponent's 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 certify that the Deponent has acknowledged that the Deponent knows and understands the contents of this declaration which was *sworn to/affirmed before me, and the Deponent's signature was placed thereon in my presence.

Sworn to/affirmed at this day of20

.....
Justice of the Peace/Commissioner of Oaths

Full names:

Designation:

Area for which appointed:

Work address:

.....

.....

(*Delete whichever is not applicable)

6 TO BE COMPLETED BY THE CLERK OF THE COURT WHO IS DIRECTED BY THE COURT TO SERVE THE REQUEST ON ELECTRONIC COMMUNICATIONS SERVICE PROVIDER

I (name and surname) am the clerk of the court who is directed to serve this request on the electronic communications service provider.

My contact details are as follows:

Facsimile number:

Telephone number:

Cellular phone number:

Email address:

Physical address:

.....

.....

Signature:

Persal number:

Date:

(CONFIDENTIAL)

SECTION 5B(4)(b) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

I certify that before administering the *oath/taking the affirmation I asked the Deponent the following questions and noted the Deponent's answers in the Deponent's 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 certify that the Deponent has acknowledged that the Deponent knows and understands the contents of this declaration which was *sworn to/affirmed before me, and the Deponent's signature was placed thereon in my presence.
 Sworn to/affirmed at this day of20

.....

Justice of the Peace/Commissioner of Oaths
 Full names:
 Designation:
 Area for which appointed:
 Work address:

(CONFIDENTIAL)

(*Delete whichever is not applicable)

Form 22
Information to electronic communications service provider of outcome of application

[Regulation 19(1)]
 SECTION 5B(4)(d) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

APPLICATION NO/.....	
DIRECTION NO/20.....	
To: <div style="text-align: center;">(Electronic communications service provider)</div> Facsimile number of electronic communications service provider: E-mail address of electronic communications service provider:..... Phone number of electronic communications service provider: Physical address of electronic communications service provider:	
To be completed by the magistrate: * Mark with a cross(x) whichever is applicable 1 The application by the electronic communications service provider, in terms of section 5B(3)(b) of the Domestic Violence Act, 1998, for-	
(a)	an extension of the five-court day period for a further period of five court days within which the affidavit must be submitted to the court *
(b)	the cancellation of the direction on the ground that the electronic communications service provider does not provide an electronic communications service to the respondent *
(c)	the cancellation of the direction on the ground that the electronic communications service provider does not provide an electronic communications service to the complainant *
(d)	the cancellation of the direction on the ground that the requested information is not available in the records of the electronic communications service provider *

(e)	the cancellation of the direction on the ground that the service of this electronic communications service provider is not used to host or was or is not used to disclose the electronic communication relating to this matter	*
Is—		
	Successful	*
	Unsuccessful	*
<p>2 The following reasons are provided why the application is unsuccessful:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>		
<p>3 I hereby order Mr/Ms. (name and surname of clerk of the court identified by the court), to serve this document on the electronic communications service provider to the following facsimile number/e-mail address:/..... in accordance with regulation 32 of the Domestic Violence Regulations, 2022.</p>		
MAGISTRATE		DATE

4 TO BE COMPLETED BY CLERK OF THE COURT WHO IS DIRECTED BY THE COURT TO SERVE THE OUTCOME ON ELECTRONIC COMMUNICATIONS SERVICE PROVIDER

I (name and surname) am the person who is identified by the court in terms of paragraph 3 to serve this document on the electronic communications service provider. My contact details are as follows:

Facsimile number:

Telephone number:

Cellular phone number:

E-mail address:

Physical address:

.....

.....

Signature:

Persal number:

Date:

Office stamp

APPLICATION NO/.....
DIRECTION NO/20..... To: <div style="text-align: center; padding: 5px;">(Electronic communications service provider)</div> Facsimile number of electronic communications service provider: E-mail address of electronic communications service provider: Phone number of electronic communications service provider: Physical address of electronic communications service provider:
To be completed by the magistrate: <i>(*Delete whichever is not applicable)</i> * Mark with a cross(x) whichever is applicable
1. Whereas *an interim protection order/a final protection order: <input type="checkbox"/> was issued on day of 20...., or <input type="checkbox"/> is issued simultaneously herewith, 2. And whereas an electronic communications service is used to host or disclose the electronic communication which was used to commit an act of domestic violence against the complainant. 3. And whereas the complainant suffers or will continue to suffer harm as a result of the electronic communication that is disclosed in or accessible from the electronic communications service provided by the electronic communications service provider. 4. And whereas the details/location of the offensive electronic communication are as follows/is in the following format: <div style="border: 1px solid black; height: 100px; margin-top: 5px;"></div> 5. Therefore the Court orders that the electronic communications service provider must immediately- <input type="checkbox"/> 5.1 remove the offensive electronic communication; <input type="checkbox"/> 5.2 disable access to the offensive electronic communication; <input type="checkbox"/> 5.3 ensure that the offensive electronic communication is not later reinstated or enabled so as to be accessible again on the electronic communications service network; and 5.4 do the following (if any) in relation to the offensive electronic communication in question: <div style="border: 1px solid black; height: 150px; margin-top: 5px;"></div> 6 I hereby order Mr/Ms. (name and surname of clerk of the court identified by the court), to serve this document on the electronic communications service provider to the following facsimile number/e-mail address:/..... in accordance with regulation 32 of the Domestic Violence Regulations, 2022.
Dated at this day of 20...

MAGISTRATE	DATE
-------------------	-------------

TO BE COMPLETED BY CLERK OF THE COURT WHO IS DIRECTED BY THE COURT TO SERVE THE ORDER ON ELECTRONIC COMMUNICATIONS SERVICE PROVIDER

I (name and surname) am the person who is identified by the court in terms of paragraph 6 to serve this document on the electronic communications service provider. My contact details are as follows:

Facsimile number:

Telephone number:

E-mail address:

Physical address:

.....

.....

Signature:

Persal number:

Date:

Office stamp

Form 24

Application by electronic communications service provider to set aside or amend court order

[Regulation 20(2)(a)]

SECTION 5B(6)(b) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

APPLICATION /.....	
DIRECTION NO/20.....	
To:	
(The clerk of the court)	
Facsimile number of clerk of the court:	
E-mail address of clerk of the court:	
From:	
(name and surname of designated person)	
of	
(name of electronic communications service provider)	
E-mail address:	
Facsimile number:.....	
Telephone number:	
Physical address:.....	
<p>* Mark with a cross(x) whichever is applicable</p> <p>To be completed by designated person of electronic communications service provider:</p> <p>1 On behalf of the above-mentioned electronic communications service provider, I am duly authorised to apply for—</p>	
(a)	the setting aside of the order dated *

....., in support of the application hereby state as follows:

3 My authorisation to bring this application is attached hereto.

Date _____

I certify that before administering the *oath/taking the affirmation I asked the Deponent the following questions and noted the Deponent's answers in the Deponent's presence as indicated below:

Answer

Answer

Answer

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

Sworn to/affirmed at this day of 20

Full names:

Designation:

Area for which appointed:

Work address:

(*Delete whichever is not applicable)

SECTION 5B(6)(c) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

[illegible]

(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 certify that the Deponent has acknowledged that the Deponent knows and understands the contents of this declaration which was *sworn to/affirmed before me, and the Deponent's signature was placed thereon in my presence.
 Sworn to/affirmed at this day of20

.....

Justice of the Peace/Commissioner of Oaths
 Full names:
 Designation:
 Area for which appointed:
 Work address:

(*Delete whichever is not applicable)

5 TO BE COMPLETED BY THE CLERK OF THE COURT WHO IS DIRECTED BY THE COURT TO SERVE THE REQUEST ON ELECTRONIC COMMUNICATIONS SERVICE PROVIDER

I (name and surname) am the clerk of the court who is directed to serve this request on the electronic communications service provider.
 My contact details are as follows:
 Facsimile number:
 Telephone number:
 Email address:
 Physical address:

Signature:
 Persal number:
 Date:

Form 26
Affidavit by electronic communications service provider furnishing additional evidence to court regarding application to set aside or amend court order

[Regulation 20(3)(d)]
 SECTION 5B(6)(c) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

APPLICATION NO/20

To:
 (name and surname of clerk of the court identified in the request for further evidence)
Facsimile number:
E-mail address:

From:
 (name and surname of designated person)
of
 (name of electronic communications service provider)

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

Sworn to/affirmed at this day of20

.....

Justice of the Peace/Commissioner of Oaths

Full names:

Designation:

Area for which appointed:

Work address:

.....

.....

(*Delete whichever is not applicable)

Form 27
Court order setting aside or amending court order

[Regulation 20(4)(a)]
 SECTION 5B(6)(d) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

APPLICATION NO/.....		
To:		
(Electronic communications service provider)		
Facsimile number of electronic communications service provider:		
E-mail address of electronic communications service provider:		
Phone number of electronic communications service provider:		
Physical address of electronic communications service provider:		
To be completed by the magistrate:		
* Mark with a cross(x) whichever is applicable		
1 The application by the electronic communications service provider, in terms of section 5B(6)(b) of the Domestic Violence Act, 1998, for-		
(a)	the setting aside of the order dated	*
(b)	the amendment of the order dated	*
is-		
	Granted	*
	Dismissed	*
2 The order dated is amended to read as follows:		

Form 28
Court order for refund of costs paid to electronic communications service provider by state

SECTION 5B(10)(d) 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 the state was on day of 20 ordered to pay the costs of the electronic communications service provider in the sum of R 2 Therefore in terms of section 5B(10)(d) of the Act: <input type="checkbox"/> the complainant; <input type="checkbox"/> person acting on behalf of the complainant; or <input type="checkbox"/> the respondent, is ordered to refund the costs paid by the state to the electronic communications service provider in the sum of R, or <input type="checkbox"/> No refund to the state is ordered. Dated at this day of 20...	
MAGISTRATE	DATE
(*Delete whichever is not applicable) (Tick and complete where necessary)	

Form 29
Final Protection Order where Interim Protection Order was issued

[Regulation 23(1)(a)]
 SECTION 6(1) 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 complainant/person acting on behalf of the complainant successfully applied for an interim protection order which was issued on the..... day of..... 20....., and after considering the evidence:

Therefore the court orders that the interim protection order be:

☐ Confirmed;

☐ Amended as follows:

.....

☐ Set aside.

A copy of this order and interim protection order, as well as the warrant of arrest for the respondent must be forwarded on the Police Station by hand or electronically.

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

MAGISTRATE

DATE

(Tick and complete where necessary)

Form 30
Final Protection Order where Interim Protection Order was not issued

[Regulation 23(1)(b)]
 SECTION 6(1) 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 terms of section 5(4)).

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF
 HELD AT APPLICATION NO

	<input type="checkbox"/> offensive behaviour; or <input type="checkbox"/> humiliating behaviour.
3.1.2.2	<input type="checkbox"/> 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	<input type="checkbox"/> not to enter the shared residence at:
3.1.2.4	<input type="checkbox"/> not to enter the following parts of the shared residence at:
3.1.2.5	<input type="checkbox"/> not to enter the complainant's residence at:
3.1.2.6	<input type="checkbox"/> not to enter the complainant's place of employment at:
3.1.2.7	<input type="checkbox"/> not to enter the complainant's place of study at:
3.1.2.8	<input type="checkbox"/> not to prevent the complainant or any child who ordinarily lives or lived in the shared residence at from entering or remaining in the shared residence, or any part thereof;
3.1.2.9	<input type="checkbox"/> not to commit any of the following acts, to wit: (i) (ii) (iii) (iv) (v);
3.1.2.10	<input type="checkbox"/> to pay interim maintenance in the sum of R per month/week until the return date. The matter is also referred to the Maintenance Court for a maintenance investigation.
3.1.2.11	<input type="checkbox"/> to make rent or mortgage payments in the sum of R per month / annum;
3.1.2.12	<input type="checkbox"/> to pay the following to the complainant as emergency monetary relief: (i) (ii) (iii)
3.1.2.13	<input type="checkbox"/> return the following property to the complainant: (i) (ii) (iii)
3.1.2.14	<input type="checkbox"/> surrender the following weapon(s) in the possession of the respondent: (i) (ii) (iii)
(Tick and complete where necessary)	
ADDITIONAL ORDERS	

4.1	It is further ordered that-	
	4.1.1	<input type="checkbox"/> A peace officer, namely accompanies the complainant to the following residence in order to assist with arrangements regarding the collection of personal property, i.e. (i) (ii) (iii) (iv) (v)
	4.1.2	<input type="checkbox"/> A member of the South African Police Service at..... station seizes the following weapon(s) in the possession of the respondent, i.e. (i) (ii)
	4.1.3	<input type="checkbox"/> The complainant's contact address not be disclosed to the respondent;
	4.1.4	<input type="checkbox"/> The respondent is ordered not to have any contact with the following child(ren) until an enquiry has been concluded in terms of the Children's Act. The matter is referred to the Children's Court for an enquiry.
	4.1.5	<input type="checkbox"/> The respondent is allowed contact with the following child(ren) on the following basis, until an enquiry has been concluded in terms of the Children's Act: (i) (ii) (iii) The matter is referred to the Children's Court for an enquiry.
	4.1.6	<input type="checkbox"/> The respondent: (i) (ii) (iii)
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 by hand or electronically.	
MAGISTRATE		DATE

Form 31
Court order for the extension or discharge of Interim Protection Order

[Regulation 24(1)]
 SECTION 6(2A) AND (2B) 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:)	
<p>1 Whereas an Interim Protection Order was granted against the respondent on the day of 20 in the Magistrate's Court of; and</p> <p>2 Whereas the *complainant/respondent or both were not at court on the return date and the case had been set down for a next date for hearing/the case is dismissed and struck off the roll.</p> <p>3 Therefore the court orders that-</p> <p><input type="checkbox"/> The Interim Protection Order and suspended warrant of arrest are extended to (date); or</p> <p><input type="checkbox"/> The Interim Protection Order is varied as follows:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> The Interim Protection Order is not extended and is discharged.</p>	
Dated at this day of 20...	
MAGISTRATE	DATE
(*Delete whichever is not applicable)	
(Tick and complete where necessary)	

Form 32

Notice of next date of hearing

[Regulations 24(2)]
SECTIONS 6(2A)(a) and 6(2B)(b) 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:	
..... (Complainant)	
AND	
..... (Respondent)	
To:	
(complainant/person on behalf of complainant)	
And	
To:	
(respondent)	
Email address of respondent:	
Facsimile number of respondent:	
Social media platform of respondent:	
Phone number of respondent:	

[Regulation 25]
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 of on the day of 20..... ;			
Therefore this warrant of arrest is hereby authorised and issued in terms of section 8(1)(a) the Domestic Violence Act, 1998 (Act No. 116 of 1998); and			
Whereas in terms of 8(1)(b) the execution of this warrant is suspended until the respondent has breached a prohibition, condition, obligation or any other order in the interim protection order, and the respondent was served with the interim protection order; and			
Whereas the complainant is required to submit an affidavit stating nature and circumstance of the breach,			
Therefore on receipt of the affidavit by the complainant you are hereby authorised and ordered to immediately arrest the respondent in terms of section 8(4)(b), for allegedly committing the offence referred to in section 17(1)(a).			
GIVEN UNDER MY HAND AT		THIS	DAY OF
			20

MAGISTRATE	DATE	
* Delete whichever is not applicable.		

Form 34
Affidavit for purposes of second or further warrant of arrest

[Regulation 26]
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:)	
* Delete whichever is not applicable.	
PART A: AFFIDAVIT (To be completed by complainant)	
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:	
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)
PARTICULARS OF RESPONDENT	
Surname:	
Full names:	
ID. No/Date of birth:	
Home address:	
Home telephone number:	
Work address:	
Work telephone number:	
PARTICULARS OF APPLICATION	
<p>4.1 I require a *second/further warrant of arrest for my protection.</p> <p>4.2 The existing warrant of arrest has been—</p> <p>(a) *executed and cancelled; or</p> <p>(b) *lost/destroyed, under the following circumstances:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
Signature of Deponent	Date
PART B : CERTIFICATION (for official use)	
<p>I hereby certify that before administering the * oath/taking the affirmation I asked the Deponent the following questions and noted the Deponent's answers in the Deponent's presence as indicated below:</p> <p>(a) Do you know and understand the contents of the above declaration?</p> <p>Answer</p>	

[Regulation 27(1)]
SECTION 8(4)(a) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

APPLICANT: (*ID No./Date of Birth:) AND RESPONDENT (*ID No./Date of Birth:) (* Delete whichever is not applicable)	
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:	
Indicate which prohibition, condition, obligation or order of the protection order had been breached:	

Full details on how the prohibition, condition, obligation or order of the protection order were breached:	
Reasons, if any, for believing that harm may be suffered as a result of the breach of the protection order by the respondent:	
_____ Signature of Deponent	_____ Date
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 the Deponent's answers in the Deponent's 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 the Deponent 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. Sworn to/affirmed at this day of20 Justice of the Peace/Commissioner of Oaths Full names: Designation: Area for which appointed: Work address:	
<i>(*Delete whichever is not applicable)</i>	

Form 36
Notice to appear before Court

[Regulation 28(1)]
 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
TO:		
Name of Respondent:		
Home address:		
Sex:	Occupation/Status:	ID No./Date of birth:
<p>You are hereby notified that you must appear personally before the abovementioned court on the of 20 at 08:30 on the following charge:</p> <p>PARTICULARS OF CHARGE:</p> <p>You are guilty of the offence of contravening section 17(1)(a) of the Domestic Violence Act, 1998 (Act No. 116 of 1998), in that upon or about the day of/20..... and at or near in the district of</p> <p>you</p>		
<p>Note:</p> <p>(1) Please bring this document to court on the date of appearance.</p> <p>(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.</p>		
CERTIFICATE:		
<p>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.</p>		
(Name, rank and service no. of member and date)		

Form 37
Information to station commander and National Commissioner of South African Police
Service of final protection order

[Regulation 29(1)]
SECTION 9(4)(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. /
<p>In the matter between:</p> <p>..... (Complainant)</p> <p>AND</p>	

<p>..... (Respondent)</p> <p>To: (station commander of the police station.)</p> <p>Email address of station commander: Facsimile number of station commander: Phone number of station commander:</p> <p>And</p> <p>To: (National Commissioner of South African Police Service.)</p> <p>Email address of National Commissioner: Facsimile number of National Commissioner: Phone number of National Commissioner:</p>	
INFORMATION TO STATION COMMANDER AND NATIONAL COMMISSIONER	
<p>This is to notify you that:</p> <p>(a) a final protection order was granted against the respondent on the day of 20..... in the Magistrate's Court of; and</p> <p>(b) your attention is hereby drawn to the provisions of section 9(4) of the Domestic Violence Act, 1998 (Act No. 116 of 1998).</p>	
<p>.....</p> <p>CLERK OF THE COURT</p>	<p>.....</p> <p>DATE</p>
	<p>Office stamp</p>

Form 38
Application for variation or setting aside of Protection Order

[Regulation 30]
 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)	
<p>IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF HELD AT APPLICATION NO</p> <p>In the matter between:</p> <p>APPLICANT: (*ID.No./Date of Birth:)</p> <p>AND RESPONDENT</p>	

(*ID.No./Date of Birth:)	
* Delete whichever is not applicable.	
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:	
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	
I wish to apply for:	*(a) The setting aside of the above-mentioned Protection Order
	*(b) The variation of the Protection Order as follows:
The reasons for my request are as follows:
Signature of Deponent	Date
PART B: CERTIFICATION (for official use)	
<p>I hereby certify that before administering the *oath/taking the affirmation I asked the Deponent the following questions and noted the Deponent's answers in the Deponent's presence as indicated below:</p> <p>(a) Do you know and understand the contents of the above declaration? Answer</p> <p>(b) Do you have any objection to taking the prescribed oath? Answer</p> <p>(c) Do you consider the prescribed oath to be binding on your conscience? Answer</p> <p>I hereby certify that the Deponent has acknowledged that the Deponent 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.</p> <p>Sworn to/affirmed at this day of20</p> <p>.....</p> <p>Justice of the Peace/Commissioner of Oaths Full names:</p>	

[Regulation 31]
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 20 in the Magistrate's Court of; and	
2 Whereas the *complainant/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:	
.....	
Dated at this day of 20...	
MAGISTRATE	DATE
(*Delete whichever is not applicable)	

[Regulation 10(5)]

SECTIONS 5(7), 4A(9), 5 AND 6(6) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

APPLICATION NO/.....
DIRECTION NO:
(a) Date on which document was served by hand personally / sent electronically
(b) Time of service by hand/ sending document
(c) Physical address of service by hand
(d) Facsimile number or address from which document was sent

(e) Person/organisation to which document was addressed
I, (name and surname) (identity number) employed as a (designation) at (employer) situated at the following address:
hereby declares as follows: (a) I served the following document (description of the document) with reference number and which is dated of 20....., by hand personally on (name) at (address) (b) The respondent refused to accept the document, and therefore I dealt with the document as follows: (c) I have sent the following document (description of the document) with reference number and which is dated of 20....., to the following facsimile number or electronic address (d) Subsequent to the sending of the above document I obtained the attached transmission verification report as to whether the document was successfully transmitted to the facsimile number or electronic address of the person/organisation. (e) The document could not be served or submitted for the reason that: Date: Signature of person: Designation: *Force number/Persal:

Form 41
Request for authorisation of alternative manner of service

[Regulation 32(12)(b)]
 SECTION 13(1)(c) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF HELD AT In the matter between: APPLICANT (*ID No./Date of Birth:) AND RESPONDENT: (*ID No./Date of Birth:)	APPLICATION NO
REQUEST FOR ALTERNATIVE MANNER OF SERVICE	
I (name and surname) *the complainant/person acting on behalf of the complainant, respondent, the clerk of the court do hereby request the court to authorise the service of documents on *the respondent/the complainant/person acting on behalf of the complainant in the following manner—	

<p>.....</p> <p>.....</p> <p>I believe that the proposed manner of service will result in the successful service of any document on the respondent for the following reasons:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>SIGNED AT THIS DAY OF 20.....</p>
<p>.....</p>
<p>COMPLAINANT/PERSON ACTING ON BEHALF OF COMPLAINANT/RESPONDENT/CLERK OF THE COURT</p> <p><i>(*Delete whichever is not applicable)</i></p>

Form 42
Court order authorising alternative manner of service

[Regulation 32(12)(c)]
SECTION 13(1)(c) OF THE DOMESTIC VIOLENCE ACT, 1998 (Act No. 116 of 1998)

<p>IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF HELD AT APPLICATION NO</p> <p>In the matter between:</p> <p>APPLICANT (*ID No./Date of Birth:)</p> <p>AND</p> <p>RESPONDENT: (*ID No./Date of Birth:)</p> <p><i>(*Delete whichever is not applicable)</i></p>	
<p>1. Whereas the service of documents cannot be effected in the manner prescribed by the Act/regulations; 2. And whereas it necessary or expedient for the service of documents to be effected in an alternative manner; 3. Therefore the Court orders that-</p> <p style="margin-left: 20px;">3.1 *the alternative manner of service is not authorised; or 3.2 *the alternative manner of service is authorised; and 3.3 the following manner is authorised to effect service on the respondent:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
<p>Dated at this day of 20.....</p>	
<p>.....</p> <p>MAGISTRATE</p>	<p>.....</p> <p>DATE</p>

DRAFT GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No.

2022

DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)

DIRECTIVES IN TERMS OF SECTION 18A(1) OF THE DOMESTIC VIOLENCE ACT, 1998

The Director-General: Justice and Constitutional Development has, in terms of section 18A(1) of the Domestic Violence Act, 1998 (Act No. 116 of 1998), issued the directives in the Schedule.

ADV D MASHABANE

DIRECTOR-GENERAL

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

SCHEDULE

Definitions

1. In these directives any word or expression to which a meaning has been assigned in the Act or the Regulations has that meaning and, unless the context otherwise indicates—
'after-hours' means the hours outside of the normal court hours, including tea and lunch times, weekends and public holidays;
'Code' means the Code of Conduct for clerks of courts dealing with domestic violence;
'Director-General' means the Director-General: Justice and Constitutional Development;
'e-justice system' includes, but is not limited to, the integrated case management system, online portal, integrated electronic repository, protection order management system and virtual hearings;
'the Act' means the Domestic Violence Act, 1998 (Act No. 116 of 1998); and
'the Regulations' means the Domestic Violence Regulations, 2022, made in terms of section 19 of the Act and published under Government Notice R.... in *Government Gazette* of 2022.

Compliance with Act and Regulations

2. (1) Court managers must ensure that office managers, supervisors and clerks of the court—
- (a) receive updated copies of the Act, the Regulations, the Code and these directives; and
 - (b) obtain a working knowledge of, and are able to apply, the Act, the Regulations, the Code and these directives.
- (2) The court managers, office managers, supervisors and clerks of courts must—
- (a) comply with their obligations in terms of the Act, the Regulations, the Code and these directives; and
 - (b) attend annual training on the Act, the Regulations, the Code, these directives and the e-justice systems and social context.
- (3) Court managers must ensure that—
- (a) office managers, supervisors and clerks of courts have access to all notices and forms contemplated in the Act and Regulations;
 - (b) copies are available to complainants or persons applying on behalf of complainants;
 - (c) supervisors and clerks of courts have the necessary equipment to deal with online applications, virtual hearings and afterhours applications;
 - (d) all equipment is in a proper working order;
 - (e) an interpreter is arranged for any person who needs an interpreter when applying for a protection order, or during the hearing of any application; and
 - (f) an intermediary is arranged for any person who needs an intermediary during the hearing of any application.

Availability of supervisor and clerk of court to receive applications for protection orders after-hours

3. (1) The court manager must compile an after-hours duty roster for each month.

- (2) The supervisors and clerks of courts must comply with the roster.
- (3) The court manager must—
 - (a) send the updated monthly roster to the station commanders of the local police stations;
 - (b) ensure that it is displayed on the notice board of the court; and
 - (c) post it on the website of the Department of Justice and Constitutional Development.
- (4) The monthly roster must contain the following:
 - (a) the contact details of all allocated personnel for each shift with times, day, week or month;
 - (b) the name and contact details of the supervisor and clerks on duty for each allocated shift with times, day, week or month;
 - (c) the name and contact details of the court manager and office manager who can be contacted in case of emergency, or when the clerk of the court or supervisor cannot be found, who must assist with applications for protection orders; and
 - (d) the online portal information.
- (5) The contact details must include telephone or cell phone number and email address, where they can be contacted afterhours.
- (6) The court manager must ensure that the clerk of the court who is on afterhours duty is allocated the necessary equipment to be able to deal with after-hours applications, including applications received electronically or on the online portal.
- (7) The supervisor and clerk of the court designated to perform duties in terms of the Act after-hours must at all allocated times in terms of the monthly roster be available to be contacted telephonically or electronically, to receive an application for a protection order and to perform any other duty imposed on a clerk of the court in terms of the Act, the Regulations and these directives.
- (8) The supervisor on duty or, if not present, the court manager on duty is responsible for contacting a magistrate who has been designated to consider an urgent application for a protection order which is brought after-hours.

Assistance to be rendered by clerk of court to complainant or person who applies for protection order and who is not represented by a legal representative

4. (1) In terms of section 4(2) of the Act and regulation 8 of the Regulations it is imperative that the information notice (Form 1 of the Annexure to the Regulations), be handed to the complainant or person who applies for a protection order on behalf of the complainant and who is not represented by a legal practitioner.

(2) The information notice must be furnished to the complainant or the person who applies for a protection order on behalf of the complainant in the official language of the choice of complainant or that person, if available or that they understand.

Assistance to be rendered by clerk of court to complainant or person not represented by legal practitioner in completion of application for protection order

5. (1) (a) If the complainant or the person acting on behalf of the complainant is unable to read or write or otherwise unable to complete the application form for a protection order (Form 6 of the Annexure to the Regulations), the clerk of the court must complete the application form on behalf of the complainant or that person.

(b) The clerk of the court must assist any complainant or person acting on behalf of the complainant with an online application for a protection order.

(2) If a clerk of the court completes the application form on behalf of a complainant or the person acting on behalf of the complainant as contemplated in directive 6(1), the clerk of the court must, after completion of the application form ensure that—

- (a) the application form is read out to the complainant or the person acting on behalf of the complainant; and
- (b) the complainant or that person acknowledges the correctness of the content thereof.
- (c) If the clerk of the court has completed the form on behalf of the complainant or the person acting on behalf of the complainant, the clerk of the court may nevertheless commission the application.

(3) The clerk of the court must pertinently bring it to the attention of the complainant or the person not represented by a legal practitioner that—

- (a) supporting affidavits of persons who have knowledge of the matter may accompany the application;
- (b) evidence which may have a bearing on acts of domestic violence may, in the manner set out in the application for a protection order, be submitted to the court; and
- (c) if the complainant shares a residence with the respondent—
 - (i) a domestic violence safety monitoring notice may be applied for together with the application for a protection order, or thereafter but before a final protection order is issued; and
 - (ii) explain the purpose of the domestic violence safety monitoring notice and how it works.

General duties of clerk of court on receipt of application for a protection order

6. (1) If the application was lodged electronically on the electronic platform, the clerk of the court must—

- (a) allocate a file number; and
- (b) submit the application, any supporting affidavits and documents to the magistrate.

(2) If the application was lodged electronically but not on the electronic platform, the clerk of the court must—

- (a) open a file and allocate a file number;
- (b) acknowledge receipt thereof and notify the complainant electronically of the file number; and
- (c) hand the file to the magistrate.

Confidentiality of documents

7. Appropriate steps must be taken by clerks of the courts to ensure the confidentiality of all documentation and evidence that relate to proceedings in terms of the Act and the Regulations.

Service and forwarding of documents by clerks of court

8. (1) Clerks of the court must adhere strictly to time frames provided for in the Act and Regulations for the service or forwarding of documents.

(2) Where no specific time frame is provided for the service or forwarding of documents, such documents must be served or forwarded without delay.

(3) If there is a foreseeable delay that is beyond the control of the clerk of the court, that clerk must approach the magistrate for directions.

(4) Where service or forwarding of documents is required, the clerk of the court must do so by hand or electronically by facsimile, email, SMS, MMS or other social media such as WhatsApp, Facebook and Twitter.

Disciplinary steps for failure to comply with directives

9. (1) The failure by court managers, office managers, supervisors and clerks of the courts to comply with these directives constitutes an act of misconduct.

(2) Chapter 2 of the Public Service Regulations, 2001, and the Disciplinary Code and Procedures for the Public Service (Resolution 2 of 1999), apply to an act of misconduct contemplated in directive 9(1).

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R.

2022

**TARIFF OF COMPENSATION IN TERMS OF SECTION 5B(9) OF THE DOMESTIC
VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998) PAYABLE TO ELECTRONIC
COMMUNICATIONS SERVICE PROVIDERS**

I, Ozzy Ronald Lamola, the Minister of Justice and Correctional Services, acting under section 5B(9) of the Domestic Violence Act, 1998 (Act No. 116 of 1998), hereby prescribe a tariff of—

- (a) R150 for providing information referred to in subsection 5B(1)(b);
 - (b) R150 for removing or disabling access to the electronic communication which was used to commit an act of domestic violence contemplated in section 5B(6)(a); and
 - (c) R150 for providing information contemplated in section 5B(7) to the respondent,
- which amounts are inclusive of value-added tax.

MR RO LAMOLA, MP

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES