

Notice to complainant in a case of domestic violence

[Regulation 2]

SECTION 2 (b) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)

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

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

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