

Information notice to complainant

[Regulation 5]

SECTION 4 (2) OF THE DOMESTIC VIOLENCE ACT, 1998
(ACT NO. 116 OF 1998)

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

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