

**CHAPTER 481****DOMESTIC VIOLENCE ACT**

*To make special provision for domestic violence and to make consequential and other amendments to the Criminal and Civil Codes.*

28th February, 2006

*ACT XX of 2005, as amended by Act X of 2013.*

**Part I****Introductory and Definitions**

1. The short title of this Act is the Domestic Violence Act. Short title.
2. In this Act, unless the context otherwise requires: Definitions.
  - "the Commission" means the Commission established by article 3;
  - "domestic violence" means any act of violence, even if only verbal, perpetrated by a household member upon another household member and includes any omission which causes physical or moral harm to the other;
  - "household member" includes:
    - (i) persons married or formerly married to each other;
    - (ii) persons living in the same household as the offender or who had lived with the offender within a period of one year preceding the offence;
    - (iii) persons whose marriage has been dissolved or declared null;
    - (iv) parents and their children;
    - (v) other adults sharing the same household;
    - (vi) persons who are, or have been, formally or informally engaged with a view to get married;
    - (vii) persons who are related to each other either by consanguinity or affinity up to the third degree inclusively;
    - (viii) persons having or having had a child in common;
    - (ix) the child conceived but yet unborn of any one of the persons mentioned in paragraphs (i) to (viii), both inclusive;
  - "the Minister" means the Minister responsible for social policy.

## PART II

## Commission on Domestic Violence

Establishment of  
the Commission.  
Amended by:  
X. 2013.10.

**3.** (1) There shall be a Commission to be known as the Commission on Domestic Violence which shall be composed of a Chairman and not less than four other members appointed by the Minister after consulting such public and private agencies or entities involved in the research, prevention and treatment of domestic violence as the Minister may deem appropriate. A member of the Commission may be re-appointed on the expiration of his term of office.

(2) A person shall not be qualified to hold office as a member of the Commission if he is a Minister or a Parliamentary Secretary.

(3) Subject to the provisions of this article, the office of a member of the Commission shall become vacant:

- (a) at the expiration of three years from the date of appointment or at such earlier time as may be specified in the instrument by which he was appointed; or
- (b) upon resignation by a letter addressed to the Minister; or
- (c) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(4) A member of the Commission may, at any time, be removed by the Minister after consultation with the other members of the Commission and substituted by another member.

Functions.

**4.** The Commission shall have the function of advising the Minister on all aspects of domestic violence and in particular on:

- (a) increasing the awareness and understanding of domestic violence and harassment and their consequences and on ways and means to reduce their incidence;
- (b) areas of domestic violence on which research is necessary or desirable;
- (c) strategies to expose domestic violence and to facilitate the intervention of public and private agencies and entities with respect to victims and perpetrators of such violence;
- (d) educating the public on all aspects of domestic violence;
- (e) ways to facilitate communication between public and private agencies and entities involved in action against domestic violence;
- (f) standards for care facilities for victims and perpetrators of domestic violence, including public or private shelter services or facilities;
- (g) standards and protocols for practitioners;
- (h) procedures for the effective co-ordination on a

national level of the activities of public and private agencies and entities engaged in the giving of services on domestic violence issues including support services;

- (i) a comprehensive and co-ordinated plan for the collection of data concerning domestic violence for use by the courts, prosecutors, law enforcement officers, health care practitioners, social workers and other agencies and entities in a manner that protects the identity of victims of domestic violence;
- (j) developing a comprehensive plan for a multi disciplinary approach of active prevention and early intervention;
- (k) specialized training for professional groups involved; and
- (l) consulting and networking with other relevant national and international entities.

**5.** (1) The Commission shall meet within one month from its constitution and as often as may be necessary or expedient thereafter. Meetings.

(2) The meetings of the Commission shall be called by the Chairman on his own initiative or at the request of any two of the other members of the Commission.

(3) The Commission shall not act unless a quorum consisting of the Chairman and not less than two other members is present.

(4) The decisions of the Commission shall be adopted by a simple majority of the votes of the members present and in the event of an equality of votes the Chairman shall have and exercise a second or casting vote.

(5) Any vacancy among the members of the Commission shall not invalidate the proceedings of the Commission.

(6) Subject to the provisions of this Act, the Commission may regulate its own procedure.

**6.** (1) By the end of March of the year immediately following the year of its constitution, the Commission shall publish a report of all its activities and shall continue to draw up such a report by the end of March of every year thereafter. A copy of the report shall be sent to the Minister who shall, by not later than four weeks after receipt of the report, lay a copy thereof on the Table of the House so however that if the House is not in session, then such report shall be laid by not later than four weeks after the House resumes its session. Reports.

(2) The report mentioned in subarticle (1) shall, within the period of eight weeks from the date on which a copy thereof is laid on the Table of the House, be discussed by the Social Affairs Committee of the House of Representatives or any other committee substituting the same.

Persons to assist  
the Commission.

7. The Minister may, whenever the Commission so requests, appoint a person or designate a public officer to assist it, in a consultative capacity, for the purpose of exercising any of its functions under this Act.

Secretary and staff.

8. (1) There shall be a Secretary to the Commission who shall be a person appointed as such by the Minister or a public officer designated by the Minister to perform the functions of Secretary.

(2) The Commission shall also have such other staff as the Minister may deem necessary and appoint or designate as aforesaid.

### PART III

#### Designated Agency

Designated  
agencies.

9. (1) The Minister shall designate one or more organisations, institutions or other bodies with which arrangements have been made as provided in subarticle (2) as the agency responsible for the provision of preventive, therapeutic and, or treatment programmes for victims and perpetrators of domestic violence.

(2) The Minister shall assign those services to be provided by the designated organisation, institution or other body.

(3) The arrangements referred to in subarticle (1) shall lay down the services which the organisation, institution or other body will be expected to provide for the duration of the arrangements and which shall include the following:

- (a) preventive, therapeutic and, or treatment programmes for victims and perpetrators of domestic violence;
- (b) public help-line facilities for emergency access to specialised support services in those areas related to domestic violence;
- (c) expertise for the assessment of the needs of victims of domestic violence, including the development of a care plan for each referral;
- (d) sheltered accommodation for victims of domestic violence, including in partnership with other organisations, institutions or other bodies providing similar accommodation;
- (e) the compilation and dissemination to interested persons and bodies of documentation on the rights of victims of domestic violence and on the remedies and services available to them;
- (f) the collation of data concerning domestic violence for use by the Courts, prosecutors, law enforcement officers, health care practitioners, social workers and other agencies and entities, in a manner that protects the identity of victims of domestic violence.

(4) (a) The arrangements referred to in subarticle (1) shall also provide for funding by the Minister of the services agreed upon with the organisation, institution or other body.

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- (b) The designated agency shall keep the funds referred to in paragraph (a) separately from the other funds of the agency, which shall keep proper books of account thereof audited by auditors appointed by it with the concurrence of the Minister and which shall moreover be subject to audit by the Auditor General.
- (5) The designated agency shall, by not later than three months after the close of each financial year, transmit to the Minister:
- (a) a copy of the annual accounts certified by the auditors;
  - (b) a report on the operations of the agency during the year.
- (6) The report referred to in subarticle (5)(b) shall be laid on the Table of the House by the Minister by not later than six weeks after its receipt, or where the House is during the period not in session by not later than the second week after the House resumes its sittings, and this report shall, within the period of eight weeks from the date on which a copy thereof is laid on the Table of the House, be discussed by the Social Affairs Committee of the House of Representatives or any other committee substituting the same.
- (7) Any member, officer, employee or member of staff of a designated agency shall be deemed a public officer for the purposes of article 92 of the [Criminal Code](#).