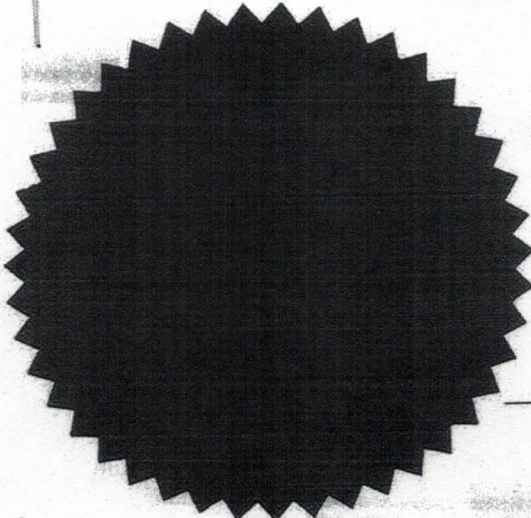


JAMAICA

No. 20-2023



I assent,

P. L. Allen

Governor-General.

27th day of December 2023

AN ACT to Amend the Domestic Violence Act.

*The date notified by the Minister
[bringing the Act into operation]*

BE IT ENACTED by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Domestic Violence (Amendment) Act, 2023, and shall be read and construed as one with the Domestic Violence Act and all amendments thereto, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title construction and commencement.

2.—(1) Section 3 of the principal Act is amended in subsection (1) by inserting next after the words “in accordance with this Act” the words “or make any other order that the Court considers just in the circumstances of the case”.

Amendment of section 3 of principal Act.

(2) Section 3 of the principal Act is amended—

(a) by deleting subsection (2) and substituting therefor the following—

“ (2) An application for an order referred to in subsection (1)—

(a) may be made by the spouse or parent who is the prescribed person in respect of whom the alleged conduct has been, or is likely to be, engaged in by the respondent;

(b) where the alleged conduct is, or is likely to be, engaged in by the respondent against a child or dependant, may be made by—

(i) a person with whom the child or dependant—

(A) normally resides; or

(B) resides on a regular basis;

(ii) a parent or guardian of the child or dependant;

(iii) a dependant who is not mentally disabled;

(iv) a person who is approved, by the Minister responsible for social welfare, to carry out social welfare work;

(v) a constable;

(vi) any other person, whether or not the person is a member of the household of the child or dependant, with the leave of the court; or

- (vii) the Children’s Advocate, in the case where the alleged conduct is threatened against a child; or
- (c) may be made by a person who is a member of the respondent’s household or who is in a visiting relationship with the respondent, in respect of the alleged conduct engaged in, or likely to be engaged in, by the respondent toward that person.”;
- (b) by deleting subsection (4) and substituting therefor the following—
 - “ (4) The Court in determining whether to grant leave under—
 - (a) subsection (2)(b)(vi), may take into account whether the application is in the best interests of the child or dependant, and in the case of a dependant who does not have a physical or mental disability, that the application is in accordance with the dependant’s best wishes and there is no conflict between the interest of the person seeking leave and the dependant; or
 - (b) subsection (3)(b), may take into account whether or not—
 - (i) the application is—
 - (A) in accordance with the wishes; or
 - (B) in the best interest, of the person entitled to apply; and
 - (ii) there is any conflict between the interests of the person seeking leave and the person entitled to apply.”;

(c) by inserting next after subsection (4), the following new subsection—

“ (5) The Minister may by order subject to affirmative resolution amend the list of persons who may apply for a protection order under subsection (2) or (3).”.

Amendment
of section 4
of principal
Act.

3. Section 4 of the principal Act is amended—

(a) by deleting subsection (1) and substituting therefor the following—

“ (1) Application may be made to the Court for a protection order against a respondent in respect of alleged conduct, to—

(a) prohibit the respondent from—

- (i) entering or remaining in the household of any prescribed person;
- (ii) entering or remaining in any area specified in the protection order being an area in which the household residence of the prescribed person is located;
- (iii) harassing the prescribed person;
- (iv) entering or remaining in any particular place;
- (v) damaging any property owned by, or available for the use or enjoyment of, the prescribed person, or any property in the care or custody or situated at the household residence of the prescribed person; or
- (vi) taking possession of, converting or otherwise dealing with

property in a manner which constitutes abuse of the prescribed person;

(b) direct the respondent to—

- (i) return to the prescribed person, property that is jointly or separately owned by the prescribed person that is in the respondent's possession or under the respondent's control; or
- (ii) relinquish to the police any firearm (or prohibited weapon) which the respondent may have in the respondent's possession or control and which may or may not have been used.”; and

(c) in subsection (2) by inserting next after the words “is satisfied” the words “on a balance of probabilities.”.

4. Subsection (1) of section 5 of the principal Act is amended by— Amendment of section 5 of principal Act.

- (a) deleting the words “ten thousand” and substituting therefor the words, “one million”;
- (b) deleting the words “six months” and substituting therefor the words “one year”; and
- (c) inserting next after subsection (1), the following new subsection—

“ (1A) The Minister may by order, subject to affirmative resolution, amend the monetary penalties provided under this Act.”.

Passed in the House of Representatives with three (3) amendments this 19th day of December, 2023.

JULIET HOLNESS

Speaker.

Passed in the Senate this 21st day of December, 2023.

THOMAS TAVARES-FINSON, OJ, CD, KC, JP
President.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives and Senate, and has been found by me to be a true and correct printed copy of the said Bill.

T. Cohen
for Clerk to the Houses of Parliament.