



Crime and Security Act 2010

2010 CHAPTER 17

Domestic violence

24 Power to issue a domestic violence protection notice

- (1) A member of a police force not below the rank of superintendent (“the authorising officer”) may issue a domestic violence protection notice (“a DVPN”) under this section.
- (2) A DVPN may be issued to a person (“P”) aged 18 years or over if the authorising officer has reasonable grounds for believing that—
 - (a) P has been violent towards, or has threatened violence towards, an associated person, and
 - (b) the issue of the DVPN is necessary to protect that person from violence or a threat of violence by P.
- (3) Before issuing a DVPN, the authorising officer must, in particular, consider—
 - (a) the welfare of any person under the age of 18 whose interests the officer considers relevant to the issuing of the DVPN (whether or not that person is an associated person),
 - (b) the opinion of the person for whose protection the DVPN would be issued as to the issuing of the DVPN,
 - (c) any representations made by P as to the issuing of the DVPN, and
 - (d) in the case of provision included by virtue of subsection (8), the opinion of any other associated person who lives in the premises to which the provision would relate.
- (4) The authorising officer must take reasonable steps to discover the opinions mentioned in subsection (3).
- (5) But the authorising officer may issue a DVPN in circumstances where the person for whose protection it is issued does not consent to the issuing of the DVPN.
- (6) A DVPN must contain provision to prohibit P from molesting the person for whose protection it is issued.

Status: This is the original version (as it was originally enacted).

- (7) Provision required to be included by virtue of subsection (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.
- (8) If P lives in premises which are also lived in by a person for whose protection the DVPN is issued, the DVPN may also contain provision—
- (a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPN is issued,
 - (b) to prohibit P from entering the premises,
 - (c) to require P to leave the premises, or
 - (d) to prohibit P from coming within such distance of the premises as may be specified in the DVPN.
- (9) An “associated person” means a person who is associated with P within the meaning of section 62 of the Family Law Act 1996.
- (10) Subsection (11) applies where a DVPN includes provision in relation to premises by virtue of subsection (8)(b) or (8)(c) and the authorising officer believes that—
- (a) P is a person subject to service law in accordance with sections 367 to 369 of the Armed Forces Act 2006, and
 - (b) the premises fall within paragraph (a) of the definition of “service living accommodation” in section 96(1) of that Act.
- (11) The authorising officer must make reasonable efforts to inform P’s commanding officer (within the meaning of section 360 of the Armed Forces Act 2006) of the issuing of the notice.