



Crime and Security Act 2010

2010 CHAPTER 17

Domestic violence

28 Conditions for and contents of a domestic violence protection order

- (1) The court may make a DVPO if two conditions are met.
- (2) The first condition is that the court is satisfied on the balance of probabilities that P has been violent towards, or has threatened violence towards, an associated person.
- (3) The second condition is that the court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by P.
- (4) Before making a DVPO, the court must, in particular, consider—
 - (a) the welfare of any person under the age of 18 whose interests the court considers relevant to the making of the DVPO (whether or not that person is an associated person), and
 - (b) any opinion of which the court is made aware—
 - (i) of the person for whose protection the DVPO would be made, and
 - (ii) in the case of provision included by virtue of subsection (8), of any other associated person who lives in the premises to which the provision would relate.
- (5) But the court may make a DVPO in circumstances where the person for whose protection it is made does not consent to the making of the DVPO.
- (6) A DVPO must contain provision to prohibit P from molesting the person for whose protection it is made.
- (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 DVPO is made, the DVPO may also contain provision—
 - (a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPO is made,

Status: This is the original version (as it was originally enacted).

- (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 DVPO.
- (9) A DVPO must state that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPO.
- (10) A DVPO may be in force for—
- (a) no fewer than 14 days beginning with the day on which it is made, and
 - (b) no more than 28 days beginning with that day.
- (11) A DVPO must state the period for which it is to be in force.