

2024 No. 253

DOMESTIC ABUSE, ENGLAND AND WALES

The Domestic Abuse Protection Orders (County Court: Relevant Proceedings) Regulations 2024

<i>Made</i>	- - - -	<i>27th February 2024</i>
<i>Laid before Parliament</i>		<i>4th March 2024</i>
<i>Coming into force</i>	- -	<i>8th April 2024</i>

The Secretary of State, in exercise of the power conferred by section 31(8) of the Domestic Abuse Act 2021(a), makes the following Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Domestic Abuse Protection Orders (County Court: Relevant Proceedings) Regulations 2024.

(2) These Regulations come into force on 8th April 2024.

(3) These Regulations extend to England and Wales.

Relevant proceedings

2.—(1) Proceedings of the descriptions set out in paragraph (2) are specified as relevant proceedings for the purposes of section 31(7) of the Domestic Abuse Act 2021.

(2) The descriptions of proceedings are—

- (a) applications under section 14 of the Trusts of Land and Appointment of Trustees Act 1996(b);
- (b) applications under the Inheritance (Provision for Family and Dependents) Act 1975(c);
- (c) claims for—
 - (i) any remedy under section 3 or 3A of the Protection from Harassment Act 1997(d);
 - (ii) injunctions for personal protection other than under that Act;
- (d) claims for personal injury;
- (e) claims for private nuisance;
- (f) claims for trespass to land;

(a) 2021 c. 17.

(b) 1996 c. 47.

(c) 1975 c. 63.

(d) 1997 c. 40. Section 3 was amended by the Serious Organised Crime and Police Act 2005 (c. 15) section 125 and the Crime and Courts Act 2013 (c. 22), section 17(5), Schedule 9, Part 2 paragraph 39; and section 3A was inserted by the Serious Organised Crime and Police Act 2005 (c. 15), section 125.

- (g) claims for wrongful interference with goods (within the meaning of section 1 of the Torts (Interference with Goods) Act 1977^(a));
 - (h) contentious probate claims;
 - (i) employment disputes;
 - (j) money claims;
 - (k) possession claims;
 - (l) property boundary disputes;
 - (m) vexatious proceedings.
- (3) In paragraph (2)—
- (a) “contentious probate claim” means a claim for—
 - (i) the grant of probate of the will, or letters of administration of the estate, of a deceased person;
 - (ii) the revocation of such a grant; or
 - (iii) a decree pronouncing for or against the validity of an alleged will, other than a claim which is non-contentious (or common form) probate business (as defined by section 128 of the Senior Courts Act 1981^(b));
 - (b) “money claim” means a claim for money (whether a fixed or unspecified sum) owed to the claimant;
 - (c) “possession claim” means claims for the recovery of possession of land (including buildings or parts of buildings);
 - (d) “vexatious proceedings” means—
 - (i) any claim or application which the claimant or applicant requires permission to make by reason of being subject to a civil restraint order (as defined in rule 2.3 of the Civil Procedure Rules 1998^(c));
 - (ii) any proceedings in which a party’s statement of case (as defined in rule 2.3 of the Civil Procedure Rules 1998) is struck out by the court on the grounds that the statement of case discloses no reasonable grounds for bringing or defending the claim, or is an abuse of the court’s process or is otherwise likely to obstruct the just disposal of the proceedings.

Bellamy
Parliamentary Under Secretary of State
Ministry of Justice

27th February 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 31(7) of the Domestic Abuse Act 2021 (“the Act”) provides that the county court may make a domestic abuse protection order against a person in any relevant proceedings to which that person and the person for whose protection the order would be made are parties. These

(a) 1977 c. 32. Section 1 was amended by the Consumer Protection Act 1987 (c. 43), section 48, Schedule 4.
 (b) 1981 c. 54.
 (c) S.I. 1998/3132. Relevant amendments were made by S.I. 2004/2072, rr. 1(b), 3, and S.I. 2023/105, rr. 2, 3.

Regulations specify descriptions of proceedings which are to be “relevant proceedings” for these purposes.

An impact assessment has not been published for these Regulations as no significant impact on the private, voluntary or public sector is foreseen independent of the provisions of the Act to which these Regulations relate.

An impact assessment has been published in relation to the Act and copies can be obtained from the Ministry of Justice, 102 Petty France, London, SW1H 9AJ, or from this website: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007463/DA_Act_2021_Impact_Assessment.pdf

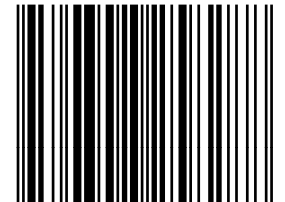
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