

## BEHIND CLOSED DOORS: DOMESTIC VIOLENCE - IS THE LAW STRONG ENOUGH TO STOP IT?

### INTRODUCTION

Domestic violence cuts across all societies and social classes, but the laws or lack of laws to combat it, vary considerably. In the US, it is a federal offence to cross state lines in furtherance of domestic violence. In Uganda, there are no laws to enable victims to obtain orders of protection against their batterers. In India, despite a law intended to halt the practice, men have been demanding dowries both before and after marriage, and to exert pressure to obtain goods, the husband sometimes physically abuses the wife, or he may kill her in hopes of obtaining both a second wife and dowry. Unusual legislation has been fashioned in India in response to the problem: when a woman dies from physical injuries within seven years of marriage and there is evidence that she had been abused, by a dowry - demanding husband, the law presumes he caused her death.

A study of domestic violence in the US a few years ago issued some alarming statistics:

- A woman is beaten in her home every 15 seconds according to United States Department of Justice figures.
- Ninety-five percent of the victims of spouse abuse are women.
- The United States Surgeon General has identified battering as the single major cause of injury to women in the United States.

- Thirty-one percent of all female homicide victims were killed by their husbands or boyfriends.

The Study ends with the following comment: "The American family is more violent than any other American institution or setting, with the sole exception of the military, and only then in times of war. Statistically, women are safer on the street than at home and run the greatest risk of assault, physical injury and murder in their own homes by members of their own families".

Statistics in Jamaica are not so readily available. However, in a report in the Daily Gleaner of the 11th May, 1996, the Public Relations Officer in the Ministry of National Security and Justice, Shirley Byfield, was reported to have stated that "approximately seventy percent (70%) of murders being committed in Jamaica today are as a result of domestic violence, and cuts against social, economic and intimate barriers". Certainly the problem is wide spread in our communities, and a challenge at every level of society.

Violence in families is often hidden from view "behind closed doors" and devastates its victims, while threatening the stability of the family and impacting negatively on all family members, and especially on the children who learn from it that violence is an acceptable way to cope with stress or problems or to gain control over another person. Domestic violence has been called an unspeakable and an unspoken crime.

Domestic and family violence must be reduced and prevented. When it occurs, there must be machinery to intervene effectively and swiftly.

To assault, wound, rape, threaten violence to another or destroy another's property are all criminal offences and if reported to the Police, criminal charges should be laid against the abuser. Often however, either reports are not made, or is made, the Police are reluctant to intervene saying they are "man and woman problems".

Intervention by the Law Enforcement agents and the Court could start the process of reduction and prevention of future violence. Take the example of Esmelda White (SCCA 46/87; to be reported at (1987) 27 J.L.R.). On the 13th February, 1987 she was convicted of the murder of her ex-boyfriend, Robert. They had lived together for over three (3) years and had a son. Miss White described Robert at her trial as a "warrior" and justified that opinion with evidence of his brutal treatment of her.

She gave details of three incidents in which he had wounded her with a knife. Two in 1974 and one in 1976 when he cut her in her face and she showed the scar. In addition, in 1985 when she was pregnant, he kicked her in her abdomen with such force that she had a miscarriage. This happened in front of the Central Police Station. She had to be taken to the hospital in a police vehicle. Despite reporting each incident to the Police, the deceased was never charged or prosecuted.

On the afternoon in question, she was on her way to the Coronation Market to buy fruits. She had an empty Dragon box in her right hand and a knife which she usually used to test the oranges she bought, and in her left hand a plastic bag with money. Robert called to her but she made no answer.



He came before her and held her hand with the money and said "give me something out of this". She flashed him off and walked on. He flung empty bottles at her, one of which hit her on the shoulder. He then came before her and drew from the back of his waist a knife. He cut at her; she let go the box and stabbed at him. The stab caught him and he ran back for more bottles and she ran away. Later she heard that Robert had died from the stab wound. She went to the Gold Street Police Station and turned herself in.

The Court of Appeal quashed the conviction for murder and substituted a verdict of manslaughter. They considered that notwithstanding a misdirection on the concept of self-defence by the trial judge no substantial miscarriage of justice was occasioned thereby. Mr Justice Kerr, JA said in the judgment of the Court (page 7) "the memory of the many brutal attacks made by the deceased on her must have been with her that afternoon and his accosting her in the manner he did was the final straw that broke her self-control."

## **THE DOMESTIC VIOLENCE ACT, 1995**

### **Enactment**

The Domestic Violence Act, 1995 was assented to by the Governor General on the 26th April, 1995 to be brought into operation on a date to be appointed by the Minister. This was done on the 6th May, 1996. The delay was to allow time for the Rules Committee constituted under the Judicature (Resident Magistrates) Act to make rules for the purpose of regulating the practice and procedure of the Court in proceedings under the Act in accordance with Section 20.

## 2. Overview

The Act is stated to provide remedies for domestic violence. While no definition of "domestic violence" is set out in the Act, the Memorandum of Objects and Reasons refers to "violence within the home. Such violence includes physical abuse and verbal assaults and other types of conduct which threatens the physical and mental health of the victim."

Various sections of the Act refer to "alleged conduct" and make specific references to "molesting" by:

- (a) watching or besetting the household residence, place of work or education;
- (b) following or waylaying;
- (c) making persistent telephone calls;
- (d) using abusive language;
- (e) behaving in a manner which is of such nature and degree as to cause annoyance to or result in ill treatment (see Section 4(1)(e) of the Act);

and to "violence" by threatening to use, or using violence against, or causing physical or mental injury (Section 4(2)).

In England, in the 70s, two Acts were passed:

1. **Domestic Violence and Matrimonial Proceedings Act, 1976;** and
2. **Domestic Proceedings and Magistrates' Courts Act, 1978.**

The 1976 Act applied to orders in a County Court to restrain a party to a marriage from "molesting" the other party; the 1978 Act gave powers to a Magistrates' Court to make an order restraining a party from using "violence" against another. In (Horner v Horner [1982] 2 All ER 495), the Court of Appeal considered the powers of these courts under the two Acts and held inter alia (at page 496).

"(1) A country court's power under s. 1(1)(a) of the 1976 Act to grant an injunction restraining a party to a marriage from 'molesting' the other party was wider than the power of a magistrates' court under s. 16 of the 1978 Act to make an order restraining a party from using 'violence', because the term 'molesting' in s. 1(1)(a) of the 1976 Act covered harassment falling short of violence or threatened violence which nevertheless called for the court's intervention, whereas the jurisdiction to make an order under s. 16 of the 1978 Act was restricted to situations where there was violence or threatened violence."

The Jamaican legislation gives the Resident Magistrates' Courts and the Family Courts the power to make orders where the alleged conduct involves "molesting" and/or "violence". The wider meaning of "molest" has been held in England to include; intention to cause distress or harm (Johnson v Walton [1990] 1 FLR 350); pestering, causing trouble, vexing, annoying and putting to in consequence (Vaughn v. Vaughn [1973] 3 All E.R. 449) lying in wait,



following a party around, shouting obscenities, sending abusive letters (George v George [1986] 2 FLR 347) and repeated telephone calls (Horner v Horner [1982] 2 All ER 495.)

The two new remedies our Act provides are: (a) a protection order, and (b) an occupation order; there is also (c) an ancillary order concerning the use of furniture, household appliances and effects when an occupation order is made. Provision is also made for interim orders on an ex parte application in emergency situations.

### 3. APPLICANTS

The persons who may apply for a protection order or occupation order are set out in Section 3(2) as defined in Section 2. These are:

- (a) "spouse: In this context "spouse" includes a woman or man who cohabits with a man or woman, respectively, as if in law, husband and wife; and a former spouse.

This would therefore allow the Court to deal with violence which occurs after the breakdown of a "marriage" and after the parties have separated;

- (b) a person with whom a child or dependent normally resides, or resides on a regular basis;
- (c) a parent or a guardian of a child or dependent;
- (d) a dependent. This term includes a member of the family living in the home who is 18 years or over. A disabled adult, or elderly relative would be covered by this

definition. The person may be not so much financially dependent as emotionally or physically.

- (e) a person approved by the Minister (a Social Welfare Worker);
- (f) a Constable.

"Child" is defined at some length and with some detail in Section 2. It means not only the biological child of both or either spouse, but also a child who is or has been a member of the household, resides in the household on a regular basis, or is a child of whom either spouse is a guardian. With the definition of "spouse" in this Act, this could include "informally adopted" children, as well as other relatives of either spouse under 18 years of age.

There is no provision for an application to be made by a child, but an application may be brought by any one referred to at (b), (c), (e) and (f) above on behalf of a child, (or dependent).

#### 4. PROTECTION ORDERS

(g) Nature of the order: The protection order is an order restraining one party from molesting the other, and/or a child or dependant; it is in the form of an injunction, and is often accompanied by an occupation order excluding the respondent from the home; in some jurisdictions referred to as an "ouster" injunction.

Section 4 - 6 of the Domestic Violence Act deal with:



- (a) the nature of the order; Section 4(1)
- (b) the grounds for the making of the order; Section 4(2)
- (c) interim orders made *ex parte*; Section 4(3) and (4)
- (d) the enforcement of the order; Section 5
- (e) the duration and discharge of the order; Section 6

Application may be made for a protection order to prohibit a respondent from entering or remaining in the household residence or any area in which the household residence of a prescribed person is located or any particular place; from entering the place of work, or education of any prescribed person; or from molesting a prescribed person in any of the ways described in subsection (1)(e) of Section 4;

- (i) watching or besetting the household residence, place of work or education of a prescribed person;
- (ii) following or waylaying the prescribed person in any place;
- (iii) making persistent telephone calls to a prescribed person; or
- (iv) using abusive language to or behaving towards a prescribed person in any other manner which is of such nature and degree as to cause annoyance to, or result in ill-treatment of the prescribed person.

Three aspects of section 4(1) need special comment. First, the word "molest" has a wide meaning; the conduct in respect of which a Protection Order may be granted is not limited to physical violence, it includes pestering, annoying, besetting, lying in wait, all of which amount to psychological abuse. It will cover an intention to cause

distress or harm, by the words of section 4(1)(e)(iv); "of such a nature and degree as to cause annoyance to, or result in ill treatment of the prescribed person". As was said by Lord Justice Ormrod in Horner v. Horner (supra) (at p. 497)

"It ("molesting") applies to any conduct which can properly be regarded as such a degree of harassment as to call for the intervention of the court." When considering the subjective element inherent in the effect of the alleged conduct, the words of Ormrod, L.J. in the same case at page 498 are worthy of mention:

"These cases of personal idiosyncratic behaviour require careful handling by the tribunal, careful in the sense of being both sensitive and firm".

Second, "prescribed person" is defined in Section 2 as the spouse, a parent, a child or dependant of the respondent. Each of these persons is also described in the definition section, and has been discussed above.

Third, the references to "household residence" means (again, Section 2) the dwelling house used by both spouses or either of them as the only or principal family residence together with any land, buildings or improvements thereto used wholly or mainly for household purposes; and in relation to a man or woman who have ceased to be spouses (i.e. former spouses), the dwelling house last used by either of them as the only or principal family residence before or immediately after they ceased to be spouses. Therefore a spouse who has moved away from a violent situation to live



somewhere else for protection can apply for an order to prohibit the former spouse from entering the area in which he or she now resides.

(h) Grounds for Making the Protection Order, and an interim order

On the hearing of an application for a Protection Order, the Court may make an order if it is satisfied that :-

- (a) the respondent has used or threatened to use, violence against, or caused physical or mental injury to a prescribed person and is likely to do so again;
- or
- (b) having regard to all circumstances, the order is necessary for the protection of a prescribed person.

The standard of proof is on a balance of probabilities, on every question of fact arising in any proceedings under the Act, except criminal proceedings (relating to offences under the Act) as per Section 15.

The discussion above concerning conduct which may amount to psychological abuse applies here; as well as the comments on the degree of harassment to call for the Courts' intervention and the need for the tribunal to be both firm and sensitive.

The Court may under the provisions of Section 4(3) and (4) make a Protection Order on an ex parte application if it is satisfied that the delay that would result from inter party proceedings would or might result either in risk to the personal safety of a



prescribed person or serious or undue hardship. In England it has been held, the Court should exercise its jurisdiction on an ex parte application very sparingly, and only when it is necessary to act quickly to avert a real and immediate danger of serious injury or irreparable damage. (Ansah v. Ansah [1977] Fam. 121; [1977] 2 All E.R. 623).

The order made in these circumstances is an interim order, and must be served personally on the respondent, who may apply immediately for its discharge. (Section 4(4)) Every interim order made must specify a date for a hearing between the parties as soon as possible, in accordance with Section 13 of the Act. The copy of the interim order served on the respondent will notify him or her of the date and require him to attend on that date to show cause why a final order should not be made in substitution for the interim order. At the hearing, the Court may discharge the interim order, discharge it and make an order in substitution therefor, or adjourn the hearing, on good cause being shown, to another date, and place if necessary. At the adjourned hearing, the Court must either discharge the order, or discharge it and make a full Protection Order. This section applies equally to interim occupation orders.

(i) — Enforcement of Protection Orders

The respondent commits an offence where he or she contravenes an interim or full Protection Order after it has been served personally. Section 5(1) of the Act provides

for this offence and its punishment by a fine not exceeding \$10,000 or a term of imprisonment not exceeding 6 months, or both such fine and imprisonment.

Where a Protection Order is in force, a Constable may arrest a respondent without a warrant if he has reasonable cause to suspect the respondent has committed a breach of the order, and that the arrest of that person is reasonably necessary for the protection of the prescribed person in whose favour the order was made.

In deciding whether an arrest is reasonably necessary the constable is required to take into account 3 factors, set out in Section 5(4)(a)-(c); viz:-

- (a) the seriousness of the act which constituted the alleged breach;
- (b) the time that has elapsed since the alleged breach was committed, and
- (c) the restraining effect of other persons or circumstances on the respondent;

In view of Police Officers' general reluctance to "intervene" in these matters, it will be interesting to see how this section is used. It is a very useful remedy in cases where men or women persistently disobey orders, and torment their victims. The Police can act quickly and effectively to protect the other party and others concerned. The English legislation gives the Court the authority to attach a power of arrest to orders restraining the respondent from using violence only. Under the Jamaican legislation, the power of arrest is automatically attached to all Protection Order.



The potential threat to the respondent's liberty is tempered by the provisions of subsection (5). The arrested person must at the time of arrest be informed that he can make a telephone call to one person of his choice, not being the applicant, and allowed to make this call. The arrested person must also be taken before the Court within 48 hours of his arrest.

(j) Duration and Discharge

A Protection Order can be made to endure until discharged on the application of a party to the proceedings, section 6(1). A copy of the application for a discharge must be served personally on each party to the original proceedings. In determining whether to discharge a Protection Order the Court must have regard to the matters in section 4(2), the same factors it considered in making the order. Presumably, the Court will now have to be satisfied that the situation and conduct that made the order necessary, no longer exists, and the protection afforded by the order is not now

necessary.

It is necessary to consider the factors in section 4(2) in view of the fact that the Court will now have to be satisfied that the situation and conduct that made the order necessary, no longer exists, and the protection afforded by the order is not now necessary.

(k) Rules and Forms

The Domestic Violence Rules, 1996 were made for the purpose of regulating the practice and procedure under the Act and are stated in Rule 4 to be "construed as to secure the just, speedy, simple and inexpensive determination of any proceedings" under the Act.



Proceedings are begun by filing a plaint and the issue of a Summons in the form of FORM 1 of the FORMS accompanying the Rules. An application for a Protection Order is in the form of FORM 2, and must be accompanied by an affidavit signed by the applicant - Rule 12(1).

On the filing of an application in a Court's office in the Parish where the applicant or the respondent resides, the Court Administrator will enter notice of the filing in the Records and fix a date and time for the hearing - Rule 12. The date must be as soon as possible. The Court Administrator will also issue a summons and other documents for service on the respondent. (Rule 13(3)). Service is regulated by Order VII Rules 8-27 of the Resident Magistrates' Court Rules.

A Domestic Violence Register will be kept by the Court Administrator of every Court in which a record of each application is made, and the decision on each application entered therein (Rule 7).

An ex parte application must be in the form prescribed as FORM 5. As Rule 13(2) says the date and time for the hearing shall be as soon as possible, it is anticipated that an applicant should be immediately taken before the Court, and an interim order made if the Court is satisfied it is necessary. Proceedings under the Act are one of the matters to be heard in the Night Court. This lends itself to the intention of the Act to provide speedy and effective relief. FORM 7 is the form to follow for a Protection

Order. If the order is an interim order, this FORM, sets out the date and place of the hearing for an order in substitution of the interim order, or a discharge of this order.

The respondent may file a notice of defence in accordance with Rule 14(1), at any time before the day fixed for the hearing for an order, or the discharge and substitution of an interim order; or he or she may without filing a notice of defence appear at the hearing and defend the application. (Rule 14(2)). If the respondent appears on the day of hearing without having filed a notice of defence, the court may make a decision on the application, or adjourn the hearing on good cause being shown. The Court must make a decision at the adjourned hearing (Rule 14(4)).

An application for a discharge of a Protection Order is made as set out in FORM 6.

## 2. **OCCUPATION ORDERS and ANCILLARY ORDERS**

### (a) Nature of Orders

An occupation order grants the prescribed person named in the order the right to exclusive occupation of the household residence. This is the combined effect of Sections 7 and 9 of the Act. The order must stipulate a period or periods of time for its existence, and may set out terms and conditions for the occupation. It may have effect even if the parties are living together at the time, and notwithstanding that the respondent owns the house. A Protection order prohibiting the respondent from entering or remaining in the household which the parties occupy together would have



almost the same result. Such an exclusion order would not determine any proprietary rights, and the rights of any other person entitled to an interest in the property are protected by Section 20 of the Act. The occupation order is specifically limited in time, as it is meant, to allow the parties some "breathing room".

Early cases under the English Acts limited the Court's powers when the respondent was the sole owner of the property. In Cantiff v. Jenkins [1978] 1 All E.R. 836, the U.K. Court of Appeal held that the Court's power to exclude a respondent from the matrimonial home could not be exercised against a man who has a proprietary interest in the house. The man in this case was a joint tenant with the woman.

Cantiff v. Jenkins (supra) was overruled by the decision of the House of Lords in Davis v. Johnson [1979] A.C. 264, [1978] 1 All E.R. 1132. The respondent, a young unmarried woman, was living with the appellant, and was the mother of his child. Both the man and the woman were West Indians. They were joint tenants of a council flat. The man beat her frequently, threatened to kill her, and so frightened her that she fled with the child to a battered wives' refuge. The conditions at the refuge were deplorable, and it could have been better for her to go back to her flat, if she could, without being subjected to violence. She applied under the Domestic Violence and Matrimonial Proceedings Act for an injunction containing ... a provision excluding the other party from the matrimonial home. The judge made the order, and the man obeyed it. He left, and the woman and child returned. After two decisions



in the Court of Appeal, one being Cantiff v. Jenkins (supra), the judge rescinded the order, and the man went back to the flat, and woman and child returned to the refuge. An appeal against the rescission of the Court of Appeal was allowed, and this decision was upheld on a further appeal to the House of Lords.

The House of Lords affirmed the power of the court to override proprietary rights in order to protect a person from violence and from leaving her homeless. Their Lordship stressed that this power should be exercised only where absolutely necessary and only as long as there was danger to a person if the other party were permitted to return. Also, the orders should be temporary or short-term, to allow a person to secure alternative accommodation.

(b) Grounds for making the Occupation Order, Ancillary Order and Interim Order

Sections 7 - 12 of the Act deal with the applications for Occupation and Ancillary

Orders. The Court must be satisfied when making an occupation order that such an order is necessary for the protection of the prescribed person, or in the best interests of a child. It will be seen that there can be two distinct limbs: one placing emphasis on the parties' conduct and relationship; and the other emphasising the welfare of the children. In the U.K. these sometimes inconsistent principles were dealt with by the House of Lords in Richards v. Richards [1984] A.C. 174; [1983] 2 All E.R. 807. Whilst still living together, the wife petitioned for a divorce alleging behaviour by the husband which he denied, and the judge described as "rubbishy".

She left the home, and sought an injunction to exclude the husband from the home. The trial judge found that she had no reasonable grounds for refusing to live with the husband but as she would not do so he felt compelled to grant the injunction to give the children some where to live. The Court of Appeal dismissed the husband's appeal but a further appeal to the House of Lords succeeded. Their Lordships held that both the conduct of the spouses and the needs of the children are, with other considerations, matters to which the Court is required to regard and weigh together to produce a just and reasonable result, and no specified matter should be treated as paramount over any of the others, but the weight to be given any particular matter depends on the facts of each case. In particular, the principle that the welfare of the child is paramount, in matters relating to the upbringing of a child and the administration of his property, applies to those questions only and not to the question of the occupation of the matrimonial home.

Exclusion orders have been refused where the grounds were unpleasantness, inconvenience and tension pending a divorce, or a desire to end a relationship, and where adequate alternative accommodation is available. The Draconian nature of the occupation order requires that it not be lightly made, and the decided cases have had the result of placing more emphasis on the conduct of the respondent and the applicant's need for protection from this conduct, and/or the effects of such conduct in the household as it relates to the interests of the child.

The Court will specify the period of an occupation order, and it can make terms and conditions for its granting. These will most likely concern the payment of rent, or mortgage, utilities and other outgoings, but can also include the following, examples taken from New Zealand:



- (i) that the children stay in the home, and are cared for by the applicant;
- (ii) that the applicant account to the husband for the use of his share of the house
- (iii) that the applicant go to counseling.

By section 18 of the Jamaican Act, the Court may recommend that either or both parties participate in counselling.

The Court may also on making an Occupation Order, or after making this order, make an Ancillary order granting the applicant the use of all or any of the furniture, household appliances and household effects in the home, subject to such terms and conditions as the Court thinks fit (Section 12).

Section 8 provides for the making of an interim Occupation Order on an ex parte application where the Court is satisfied:

- (a) the respondent has used violence against or caused physical or mental injury to a prescribed person; and
- (b) the delay caused by proceeding inter-partes could or might expose the prescribed person to physical injury.

The interim occupation order will be coupled to an interim protection order unless there are special reasons why the interim protection order should not be made. (S.8(3)). The interim occupation order should be rarely made, and only where there is actual violence, or physical or mental injury. The order must be personally served on the respondent, and will expire, if the parties are living together when the order is made, on the discharge of the occupation order by the

court or the discharge of the interim protection order made under S.8(3). The interim order will specify a date for the hearing which shall be as soon as is reasonably practicable.

(c) Enforcement:

There is no similar provision in the Act with respect to the enforcement of occupation orders, as there are for Protection Orders; (Section 5). A breach of the Occupation order will therefore not be an offence under the Act, but as it may be coupled with a Protection Order, or an interim protection order, and a breach of either of these orders an offence the provisions of section 5 for arrest without a warrant will apply in those circumstances.

The usual means of enforcing an injunction will apply to a breach of an occupation order; i.e. applying to the court to have the party in default committed to prison for contempt. This could take some time, meanwhile a protection order can be applied for much quicker.

(d) Duration and Discharge

An occupation order will be made for a specific period; the duration of the order is in the discretion of the court. As stated before, the exclusionary nature of the occupation order means it is only intended as a temporary relief, "breathing space" until a long term solution can be arrived at. In England a Practice Note [1978] 2 All ER 1056 advises the Courts to limit the operation of an order to three (3) months in the first place.



The Occupation Order can be discharged, varied or the period extended or reduced, on the application of either party (Section 10). An interim order can be substituted for a full occupation order in accordance with section 13, as discussed above with respect to protection orders.

(e) Rules and Forms

Form 3 is the form prescribed for the application for an Occupation Order, and Form 4 for an Ancillary Order in respect of furniture, household appliances and effects. The Exparte Application at Form 5 can be used for an interim Occupation Order. Forms 8 and 9 contain the format for the Occupation, and Ancillary Orders. Finally Form 6 can be used to apply to discharge, vary, extend or reduce the period of the Occupation Order.

Rule 15 states that the dates for the hearing on whether an Occupation Order should be made in substitution for the interim order and whether a protection order should be made in substitution for the interim protection order shall be the same. Also where there is no interim protection order, and the parties are living together the date for the hearing shall be not later than seven (7) days after the making of the interim occupation order. This Rule effectively makes the interim occupation order, without an interim Protection Order, of seven (7) days duration.

6. GENERAL PROVISIONS

(a) Procedure

Hearings under the Act are to be held in camera (section 14), and only the persons set out in section 14(1) can be present, unless the proceedings are criminal, i.e.

proceedings under Section 5. There are also restrictions imposed on the publication of reports of cases, section 16.

(b) Consent Orders

the Court may make an order by virtue of section 17 by the consent of the parties.

(c) Appeal

An appeal against any order, or the refusal of the Court to make an order lies to the Court of Appeal (section 19). The order remains in force when an appeal is filed, unless the Court otherwise directs, section 19(2).

(d) Section 10 of the Matrimonial Causes Act

By section 21 of the Domestic Violence Act, section 10 of the Matrimonial Causes Act is not affected by the Act. This Section gives the Supreme Court power to grant injunctions in similar situations for protection of married persons and occupation of the matrimonial home.

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