

STATES OF JERSEY



Jersey

DRAFT DOMESTIC ABUSE (JERSEY) LAW 202- (P.69/2022): AMENDMENT

Lodged au Greffe on 11th April 2022
by the Minister for Home Affairs
Earliest date for debate: 25th April 2022

STATES GREFFE

DRAFT DOMESTIC ABUSE (JERSEY) LAW 202- (P.69/2022): AMENDMENT

1 PAGE 32, ARTICLE 9 –

For paragraph (1)(b) substitute –

“(b) the person’s circumstances have changed in the time since the order was issued to such an extent that the terms of the order are no longer necessary or proportionate.”.

2 PAGE 35, ARTICLE 14 –

For paragraph (1)(b) substitute –

“(b) the person’s circumstances have changed in the time since the order was issued to such an extent that the terms of the order are no longer necessary or proportionate.”.

MINISTER FOR HOME AFFAIRS

REPORT

Background

The [Draft Domestic Abuse \(Jersey\) Law 202-](#) (the “draft Law”) was lodged on the 10th March 2022 and is scheduled for debate on 25th April 2022. This amendment will refine Articles 9(1)(b) and 14(1)(b), which given the circumstances in which a person may apply to revoke or vary a domestic abuse protection order (DAPO) or a court notification requirement.

Rationale for new legislation

Currently the draft Law requires that any person applying for a DAPO or court notification order to be revoked or varied can only do so if their circumstances have changed significantly and the order is no longer necessary or proportionate. Further consultation and judicial review has suggested that it may be too difficult for a court to objectively determine when those circumstances had changed to a sufficient degree.

Therefore, this amendment will simplify the test to be applied by the court in varying or revoking a DAPO or court notification. The threshold for application for review or revocation for either a DAPO or court notification will now be that the person’s circumstances have changed since the time the order was issued, and the order is therefore no longer proportionate or necessary.

Resource implications

This is a minor technical change to improve the usability of the legislation by a court and it has no resource implications.

Data protection implications

This amendment does not affect the processing of personal data in any way.

Human Rights notes

This amendment is compatible with ECHR.