

PROTECTION FROM DOMESTIC VIOLENCE (AMENDMENT) ACT 2007

Act No. 23 of 2007

I assent

A. V. CHETTIAR
Acting President of the Republic

20th December 2007

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Section 3 of principal Act amended
4. Section 3A of principal Act amended
5. New section 8B added to principal Act
6. Section 13 of principal Act repealed and replaced
7. New section 13A added to principal Act
8. Commencement

An Act

To amend the Protection from Domestic Violence Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the **Protection from Domestic Violence (Amendment) Act 2007**.

2. Interpretation

In this Act –

“principal Act” means the Protection from Domestic Violence Act.

3. Section 3 of principal Act amended

Section 3 of the principal Act is amended by repealing subsection (3) and replacing it by the following subsection –

(3) Subject to such Rules as may be made by the Chief Justice, an application for a protection order shall be heard in such manner as the Court thinks fit.

4. Section 3A of principal Act amended

Section 3A of the principal Act is amended by repealing subsection (3) and replacing it by the following subsection –

(3) Subject to such Rules as may be made by the Chief Justice, an application for a protection order shall be heard in such manner as the Court thinks fit.

5. New section 8B added to principal Act

The principal Act is amended by inserting immediately after section 8A, the following new section –

8B. Ancillary order for alimony

(1) Subject to subsections (2) and (3), the Court may, in addition to any order made under this Act and where it so deems appropriate, order a respondent spouse to pay to an aggrieved spouse and any child of the parties alimony on such terms and conditions as the Court thinks fit.

(2) An order made under this section –

(a) may, on the application of one of the parties, be varied or discharged;

(b) shall, unless the Court otherwise directs, be deemed to be made for a period corresponding to the order to which it is ancillary;

(c) shall, irrespective of the terms of the order, expire when the order to which it is ancillary expires or is discharged.

(3) No order for payment of alimony shall be made under subsection (1) where the respondent spouse is already paying alimony to the aggrieved spouse or the child of the parties by virtue of a judicial order.

6. Section 13 of principal Act repealed and replaced

Section 13 of the principal Act is repealed and replaced by the following section -

13. Offences

(1) Any person who wilfully fails to comply with any interim order, protection order, occupation order, tenancy order or ancillary order made under this Act shall commit an offence and shall, on conviction, be liable -

(a) on a first conviction, to a fine not exceeding 25,000 rupees and to imprisonment for a term not exceeding 2 years;

(b) on a second or subsequent conviction, to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) Any person who commits an offence under subsection (1) may be arrested by the Police.

(3) (a) The Police shall act with diligence in any case where an offence under the Act is reported to it.

(b) Any Police Officer to whom an offence under this Act is reported shall report the matter forthwith -

(i) to the nearest hospital or other medical institution, where the complainant is in urgent need of medical assistance;

(ii) to the Permanent Secretary, where the complainant is in urgent need of counseling or any other form of psychological support.

(c) Where the matter has been reported to the Permanent Secretary under paragraph

(b), he shall arrange for the complainant to consult a psychologist or other suitable person forthwith for counseling or such other support as may be required.

7. **New section 13A added to principal Act**

The principal Act is amended by inserting immediately after section 13, the following new section -

13A. Order to attend counselling sessions following conviction

(1) (a) In exceptional cases, Where a Court by or before which a person is convicted of an offence under section 13 is of opinion that having regard to the circumstances, including the nature of the offence and the character, antecedents, mental and psychological condition, age, health and home surroundings of the offender, it is expedient to do so, the Court may, instead of sentencing him, order him to attend counselling sessions organised by the Ministry.

(b) Where a Court is satisfied that the offender has failed to comply with an order made under paragraph (a), it may sentence him for his original offence, in accordance section 13.

(2) The order to attend counselling sessions made under subsection (1)(a) shall be for such period, not exceeding 2 years, and on such terms and conditions as the Court thinks fit.

(3) The Court may require the Ministry to provide a report with a view to assisting the Court in determining the most suitable method of dealing with an offender.

(4) Before making an order under subsection (1), the Court shall explain to the offender in a language he understands the effect of the order and that, if he fails in any way to comply with the order, he shall be liable to be sentenced for the original offence.

(5) The Court shall not order an offender to attend counseling sessions unless he expresses his willingness to comply with the order and the victim has no objection thereto.

(6) The Permanent Secretary of the Ministry shall report any failure by an offender to comply with an order made under subsection (1) to the Court which made that

order.

(7) On receipt of a report under subsection (5), the Court may –

(a) issue a summons to the offender requiring him to appear at a place and time specified in the summons;

(b) issue a warrant for the arrest of the offender.

8. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

Passed by the National Assembly on the fourth day of December two thousand and seven.

Ram Ranjit Dowlutta
Clerk of the National Assembly

Related documents:

[PROTECTION FROM DOMESTIC VIOLENCE ACT 1997 -
UPDATED](#) (Act 6/1997)

[PROTECTION FROM DOMESTIC VIOLENCE \(AMENDMENT\)
ACT 2004](#) (Act No. 11 of 2004)

[PROTECTION FROM DOMESTIC VIOLENCE ACT 1997](#) (Act
No. 6 of 1997)