Changes to Legislation: as of 14 September 2026, this Act is up to date with all changes known to be in force.

Number 6 *of* 2018

DOMESTIC VIOLENCE ACT 2018

REVISED

Updated to 2 September 2024

This Revised Act is an administrative consolidation of the *Domestic Violence Act 2018*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), enacted 23 July 2024, and all statutory instruments up to and including the *Waste Management (Landfill Levy) (Amendment) Regulations 2024* (S.I. No. 442 of 2024), made 2 September 2024, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 6 *of* 2018

DOMESTIC VIOLENCE ACT 2018

REVISED

Updated to 2 September 2024

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ACTS REFERRED TO

Age of Majority Act 1985 (No. 2)
Animal Health and Welfare Act 2013 (No. 15)
Assisted Decision-Making (Capacity) Act 2015 (No. 64)
Broadcasting Act 2009 (No. 18)
Child Care Act 1991 (No. 17)
Civil Legal Aid Act 1995 (No. 32)
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Civil Registration Act 2004 (No. 3)
Courts (Supplemental Provisions) Act 1961 (No. 39)
Courts Act 1964 (No. 11)
Courts and Civil Law (Miscellaneous Provisions) Act 2013 (No. 32)
Courts of Justice Act 1953 (No. 32)
Criminal Damage Act 1991 (No. 31)
Criminal Evidence Act 1992 (No. 12)
Criminal Justice (Theft and Fraud Offences) Act 2001 (No. 50)
Criminal Justice (Victims of Crime) Act 2017 (No. 28)
Criminal Law (Rape) (Amendment) Act 1990 (No. 32)
Domestic Violence (Amendment) Act 2002 (No. 30)
Domestic Violence Act 1996 (No. 1)
Family Home Protection Act 1976 (No. 27)
Family Law (Divorce) Act 1996 (No. 33)
Family Law (Maintenance of Spouses and Children) Act 1976 (No. 11)
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Guardianship of Infants Act 1964 (No. 7)
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Number 6 *of* 2018

DOMESTIC VIOLENCE ACT 2018

REVISED

Updated to 2 September 2024

An Act to consolidate the law on domestic violence; to provide for emergency barring orders in certain circumstances; to provide for evidence to be given through television link in certain proceedings; to provide for the right of an applicant to be accompanied in certain proceedings; to provide for the obtaining of the views of a child in certain proceedings; to provide for the giving of information on support services to victims of domestic violence; to provide for the making of recommendations for engagement with certain services by respondents; to provide for restrictions on those present in court during certain proceedings; to prohibit the publication or broadcast of certain matters; to provide for an offence of forced marriage; to repeal provisions for exemption, in certain cases, from minimum age requirements for marriage; for those and other purposes to repeal the Domestic Violence Act 1996 and the Domestic Violence (Amendment) Act 2002 and to provide for the consequential amendment of certain other enactments; and to provide for related matters

[8*th May*, 2018]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title and commencement

1. (1) This Act may be cited as the Domestic Violence Act 2018.

(2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions, and for the repeal of different enactments or provisions of enactments effected by *section 3*.

Interpretation

2. (1) In this Act—

"Act of 1964" means the Guardianship of Infants Act 1964;

"Act of 1976" means the Family Home Protection Act 1976;

"Act of 1991" means the Child Care Act 1991;

"Act of 1995" means the Family Law Act 1995;

"Act of 1996" means the Domestic Violence Act 1996;

"Act of 2004" means the Civil Liability and Courts Act 2004;

"Act of 2010" means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"Act of 2013" means the Courts and Civil Law (Miscellaneous Provisions) Act 2013;

"Agency" means the Child and Family Agency;

"applicant" has the meaning assigned to it by *section 6*, *section 7* or *section 9*, as the case may be, and where—

(a) an interim barring order has been made the applicant for the barring order to whom the interim barring order relates shall be deemed to be the applicant for that interim barring order, and

(b) a protection order has been made the applicant for the safety order or the barring order to whom the protection order relates shall be deemed to be the applicant for that protection order;

"barring order" has the meaning assigned to it by *section 7(2)*;

"child" means a person who has not attained the age of 18 years other than a person who is or has been married;

"civil partner" has the meaning assigned to it by section 3 of the Act of 2010 and for the purposes of this Act includes a person who was a civil partner in a civil partnership that has been dissolved under the Act of 2010 but does not include a person who was in a civil partnership that has been dissolved by reason only of the application of section 109A of the Act of 2010;

"civil proceedings under this Act" means—

(a) proceedings relating to an application for the making, variation or discharge of a safety order, a barring order or an emergency barring order,

(b) proceedings, consequent on the making of an application for a barring order, for the making, variation or discharge of an interim barring order which relates to the application,

(c) proceedings, consequent on the making of an application for a safety order or a barring order, for the making, variation or discharge of a protection order which relates to the application,

(d) proceedings by way of appeal or case stated which are related to proceedings to which *paragraph (a)*, *(b)* or *(c)* applies;

"court" means the District Court or the Circuit Court;

"dependent person", in relation to the applicant or the respondent or both of them, as the case may be, means any child—

(a) of the applicant and the respondent or in respect of whom the applicant and the respondent are *in loco parentis*,

(b) of the applicant or in respect of whom the applicant is *in loco parentis*, or

(c) of the respondent or in respect of whom the respondent is *in loco parentis* and—

(i) where the child is a child of the respondent, the applicant is *in loco parentis* to that child, or

(ii) where the respondent is *in loco parentis* to the child, that child is a child of the applicant,

who is not of full age, or, if the child has attained full age is suffering from a mental or physical disability to such an extent that it is not reasonably possible for him or her to live independently of the applicant;

"emergency barring order" has the meaning assigned to it by *section 9(3)*;

"full age" has the same meaning as it has in the Age of Majority Act 1985;

"interim barring order" has the meaning assigned to it by *section 8(1)*;

"Minister" means the Minister for Justice and Equality;

"prohibited degree of relationship" shall be construed in accordance with subsection (2);

"protection order" has the meaning assigned to it by *section 10(1)*;

"respondent" has the meaning assigned to it by *section 6*, *section 7* or *section 9*, as the case may be, and where—

(a) an interim barring order has been made the respondent to the application for the barring order to which the interim barring order relates shall be deemed to be the respondent to that interim barring order, and

(b) a protection order has been made the respondent to the application for the safety order or the barring order to which the protection order relates shall be deemed to be the respondent to that protection order;

"safety order" has the meaning assigned to it by *section 6(2)*;

"specified order" means—

(a) a safety order, barring order, interim barring order, emergency barring order or protection order, or

(b) an order varying or discharging an order referred to in *paragraph (a)*;

"spouse" includes a person who was a party to a marriage that has been dissolved, being a dissolution that is recognised as valid in the State;

"welfare" includes physical and psychological welfare.

(2) For the purposes of this Act, two people are related to each other within a prohibited degree of relationship if they would be prohibited from marrying each other in the State by reason of that relationship.

(3) For the avoidance of doubt, a relationship does not cease to be an intimate relationship for the purposes of this Act by reason only that it is no longer sexual in nature.

Repeals

3. The following are repealed:

(a) section 51 of the Family Law (Divorce) Act 1996;

(b) the Domestic Violence Act 1996;

(c) the Domestic Violence (Amendment) Act 2002.

Expenses

4. The expenses incurred by the Minister and the Minister for Children and Youth Affairs in the administration of this Act shall, to such an extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

Court Proceedings

Factors or circumstances to which court shall have regard in determining applications for specified orders

5. (1) Nothing in *subsection (2)* shall be construed as limiting the power of a court to make a specified order under this Act.

(2) In determining an application for a specified order, the court shall have regard to all the factors or circumstances that it considers may have a bearing on the application including where relevant:

(a) any history of violence inflicted by the respondent on the applicant or a dependent person;

(b) any conviction of the respondent for an offence under the Criminal Justice (Theft and Fraud Offences) Act 2001 that involves loss to, or is to the prejudice of, the applicant or a dependent person;

(c) any conviction of the respondent for an offence that involves violence or the threat of violence to any person;

(d) whether any violence inflicted by the respondent on the applicant or a dependent person is increasing, or has increased, in severity or frequency over time;

(e) any exposure of any dependent person to violence inflicted by the respondent on the applicant or any other dependent person;

(f) any previous order under this Act or the Act of 1996 made against the respondent with regard to any person;

(g) any history of animal cruelty by the respondent;

(h) any destruction or damage caused by the respondent to—

(i) the personal property of the applicant, the respondent or a dependent person, or

(ii) any place where the applicant or a dependent person resides;

(i) any action of the respondent, not being a criminal offence, which puts the applicant or a dependent person in fear for his or her own safety or welfare;

(j) any recent separation between the applicant and the respondent;

(k) substance abuse, including abuse of alcohol, by the respondent, the applicant or a dependent person;

(l) access to weapons by the respondent, the applicant or a dependent person;

(m) the applicant's perception of the risk to his or her own safety or welfare due to the behaviour of the respondent;

(n) the age and state of health (including pregnancy) of the applicant or any dependent person;

(o) any evidence of deterioration in the physical, psychological or emotional welfare of the applicant or a dependent person which is caused directly by fear of the behaviour of the respondent;

(p) whether the applicant is economically dependent on the respondent;

(q) any matter required to be considered by the court under, and in accordance with, *subsections (2)* and *(3)* of *section 29*;

(r) any other matter which appears to the court to be relevant to the safety or welfare of the applicant and any dependent person.

Safety order

6. (1) (a) In this section—

"applicant" means a person (other than the Agency) who has applied, or a person on whose behalf the Agency has applied by virtue of section 11, for a safety order against another person (in this section referred to as "the respondent") and the person so applying or on whose behalf the Agency has so applied—

(i) is the spouse of the respondent,

(ii) is the civil partner of the respondent,

(iii) is not the spouse or civil partner of the respondent and is not related to the respondent within a prohibited degree of relationship, but was in an intimate relationship with the respondent prior to the application for the safety order,

(iv) is a parent of the respondent and the respondent is of full age and is not, in relation to the parent, a dependent person,

(v) being of full age, resides with the respondent in a relationship the basis of which is not primarily contractual, or

(vi) is a parent of a child whose other parent is the respondent;

"kindred", in relation to two or more persons, means the relationship of each of those persons to the other person or to the rest of those persons by blood, adoption, marriage or civil partnership.

(b) For the purposes of *paragraph (a)(v)*, in deciding whether or not a person is residing with another person in a relationship the basis of which is not primarily contractual, the court shall have regard to—

(i) the length of time those persons are residing together,

(ii) the nature of any duties performed by either person for the other person or any kindred person of that other person,

(iii) the absence of any profit or of any significant profit made by either person from any monetary or other consideration given by the other person in respect of residing at the place concerned, and

(iv) any other matters the court considers appropriate in the circumstances.

(2) Where the court, on application to it, is of the opinion that there are reasonable grounds for believing that the safety or welfare of an applicant or a dependent person so requires, it shall, subject to *section 12*, by order (in this Act referred to as a "safety order") prohibit the respondent to the application from doing one or more of the following:

(a) using or threatening to use violence against, molesting or putting in fear, the applicant or the dependent person;

(b) if he or she is residing at a place other than the place where the applicant or that dependent person resides, watching or besetting a place where the applicant or the dependent person resides;

(c) following or communicating (including by electronic means) with the applicant or the dependent person.

(3) A safety order may be subject to such exceptions and conditions as the court may specify.

(4) Subject to *subsection (5)* and *section 21*, a safety order made by the District Court or by the Circuit Court on appeal from the District Court shall expire 5 years after the date of the making of the order or on the expiration of such shorter period as the court may provide for in the order.

(5) On or before the expiration of a safety order to which *subsection (4)* relates, a further safety order may be made by the District Court, or by the Circuit Court on appeal from the District Court, for a period of 5 years or such shorter period as the court may provide for in the order which further order shall take effect from the date of expiration of the first-mentioned order.

(6) On or before the expiration of a safety order, other than a safety order to which *subsection (4)* relates, a further safety order may be made by the District Court, or by the Circuit Court on appeal from the District Court, for a period of 5 years or such shorter period as the court may provide for in the order and that further safety order shall take effect from the date of expiration of the first-mentioned order.

(7) The court shall not, on an application for a barring order, make a safety order unless there is also an application for a safety order before the court concerning the same matter.

(8) Where a safety order has been made, any of the following persons may apply to have the order varied:

(a) where the application for the order was made by the Agency in respect of a dependent person by virtue of section 11—

(i) the Agency,

(ii) the person referred to in *subsection (1)(c)* of that section, or

(iii) the respondent to that application;

(b) where the application for the order was made by the Agency in respect of any other person (other than a dependent person referred to in *paragraph (a)*) by virtue of *section 11* —

(i) the Agency,

(ii) the applicant for the order, or

(iii) the respondent to that application;

(c) in any other case—

(i) the applicant for the order, or

(ii) the respondent to the application for that order.

(9) The court may, upon hearing an application under *subsection (8)*, make such order varying the safety order as it considers appropriate in the circumstances.

(10) For the purposes of making an application under *subsection (8)*, a safety order made by a court on appeal from another court shall be treated as if it had been made by that other court.

Barring order

7. (1) In this section "applicant" means a person (other than the Agency) who has applied, or a person on whose behalf the Agency has applied by virtue of *section 11*, for a barring order against another person (in this section referred to as "the respondent") and the person so applying or on whose behalf the Agency has so applied—

(a) is the spouse of the respondent,

(b) is the civil partner of the respondent,

(c) is not the spouse or civil partner of the respondent and is not related to the respondent within a prohibited degree of relationship but lived with the respondent in an intimate relationship prior to the application for the barring order, or

(d) is a parent of the respondent and the respondent is a person of full age who is not, in relation to the parent, a dependent person.

(2) (a) Where the court, on application to it, is of the opinion, having taken into account any order made or to be made to which *paragraph (a)* or *(d)* of *section 15(2)* relates, that there are reasonable grounds for believing that the safety or welfare of the applicant or a dependent person so requires, it shall, subject to section 12, by order (in this Act referred to as a "barring order")—

(i) direct the respondent, if residing at a place where the applicant or the dependent person resides, to leave the place, and

(ii) whether the respondent is or is not residing at a place where the applicant or the dependent person resides, prohibit the respondent from entering the place until further order of the court or until such other time as the court shall specify.

(b) In deciding whether or not to make a barring order the court shall have regard to the safety and welfare of any dependent person in respect of whom the respondent is a parent or *in loco parentis*, where the dependent person is residing at the place to which the order, if made, would relate.

(3) A barring order may, if the court thinks fit, prohibit the respondent from doing one or more of the following:

(a) using or threatening to use violence against, molesting or putting in fear, the applicant or a dependent person;

(b) attending at or in the vicinity of, or watching or besetting, a place where the applicant or a dependent person resides;

(c) following or communicating (including by electronic means) with the applicant or a dependent person.

(4) A barring order may be subject to such exceptions and conditions as the court may specify.

(5) For the purposes of *subsections (2)* and *(3)* an applicant or a dependent person who would, but for the conduct of the respondent, be residing at a place shall be treated as residing at that place.

(6) (a) In respect of a person who is an applicant by virtue of *paragraph (c)* or *(d)* of *subsection (1)*, the court shall not make a barring order in respect of the place where the applicant or dependent person resides where the respondent has a legal or beneficial interest in that place and—

(i) the applicant has no legal or beneficial interest, or

(ii) the applicant's legal or beneficial interest is, in the opinion of the court, less than that of the respondent.

(b) Where in proceedings to which this section applies the applicant states the belief, in respect of the place to which *paragraph (a)* relates, that he or she has a legal or beneficial interest in that place which is not less than that of the respondent, then that belief shall be admissible in evidence.

(7) Without prejudice to *section 32*, nothing in this Act shall be construed as affecting the rights of any person, other than the applicant or the respondent, who has a legal or beneficial interest in a place in respect of which the court has made an order under this section.

(8) A barring order, if made by the District Court, or by the Circuit Court on appeal from the District Court, shall, subject to *subsection (9)* and *section 21*, expire three years after the date of its making or on the expiration of such shorter period as the court may provide for in the order.

(9) On or before the expiration of a barring order to which *subsection (8)* relates, a further barring order may be made by the District Court, or by the Circuit Court on appeal from the District Court, for a period of three years or such shorter period as the court may provide for in the order and that further barring order shall take effect from the expiration of the first-mentioned order.

(10) On or before the expiration of a barring order, other than a barring order to which *subsection (8)* relates, a further barring order may be made by the District Court, or by the Circuit Court on appeal from the District Court, for a period of three years or such shorter period as the court may provide for in the order and that further barring order shall take effect from the date of expiration of the first-mentioned order.

(11) The court shall not, on an application for a safety order, make a barring order unless there is also an application for a barring order before the court concerning the same matter.

(12) Where a barring order has been made, any of the following may apply to have the order varied:

(a) where the application for the order was made by the Agency in respect of a dependent person by virtue of *section 11* —

(i) the Agency,

(ii) the person referred to in *subsection (1)(c)* of that section, or

(iii) the respondent to that application;

(b) where the application for the order was made by the Agency in respect of any other person (other than a dependent person referred to in *paragraph (a)*) by virtue of *section 11* —

(i) the Agency,

(ii) the applicant for the order, or

(iii) the respondent to that application;

(c) in any other case—

(i) the applicant for the order, or

(ii) the respondent to the application for that order.

(13) The court may, upon hearing an application under *subsection (12)*, make such order varying the barring order as it considers appropriate in the circumstances.

(14) For the purposes of making an application under *subsection (12)*, a barring order made by a court on appeal from another court shall be treated as if it had been made by that other court.

Interim barring order

8. (1) Where the court, on application to it for a barring order or between the making of that application and its determination, is of the opinion, having taken into account any order made or to be made to which *paragraph (a)* or *(d)* of *section 15(2)* relates, that there are reasonable grounds for believing—

(a) there is an immediate risk of significant harm to the applicant or a dependent person, and

(b) the making of a protection order would not be sufficient to protect the applicant or a dependent person,

the court shall, subject to *section 12*, by order (in this Act referred to as an "interim barring order")—

(i) direct the respondent, if residing at a place where the applicant or the dependent person resides, to leave the place, and

(ii) whether the respondent is or is not residing at a place where the applicant or the dependent person resides, prohibit that respondent from entering the place until further order of the court or until such other time as the court shall specify.

(2) An interim barring order may, if the court thinks fit, prohibit the respondent from doing one or more of the following:

(a) using or threatening to use violence against, molesting or putting in fear, the applicant or a dependent person;

(b) attending at or in the vicinity of, or watching or besetting, a place where the applicant or a dependent person resides;

(c) following or communicating (including by electronic means) with the applicant or a dependent person.

(3) An interim barring order may be made subject to such exceptions and conditions as the court may specify.

(4) For the purposes of *subsections (1)* and *(2)*, an applicant or a dependent person who would, but for the conduct of the respondent, be residing at a place shall be treated as residing at that place.

(5) (a) In respect of a person who is an applicant by virtue of *paragraph (c)* or *(d)* of *subsection (1)* of *section 7*, the court shall not make an interim barring order in respect of the place where the applicant or dependent person resides where the respondent has a legal or beneficial interest in that place but—

(i) the applicant has no legal or beneficial interest, or

(ii) the applicant's legal or beneficial interest is, in the opinion of the court, less than that of the respondent.

(b) Where in proceedings to which this section applies the applicant states the belief, in respect of the place to which *paragraph (a)* relates, that he or she has a legal or beneficial interest in that place which is not less than that of the respondent, then that belief shall be admissible in evidence.

(6) Without prejudice to *section 32*, nothing in this Act shall be construed as affecting the rights of any person, other than the applicant or the respondent, who has a legal or beneficial interest in a place in respect of which the court has made an order under this section.

(7) Where an interim barring order has been made, any of the following may apply to have the order varied:

(a) where the application for the order was made by the Agency in respect of a dependent person by virtue of *section 11* —

(i) the Agency,

(ii) the person referred to in *subsection (1)(c)* of that section, or

(iii) the respondent to that application;

(b) where the application for the order was made by the Agency in respect of any other person (other than a dependent person referred to in *paragraph (a)*) by virtue of *section 11* —

(i) the Agency,

(ii) the applicant for the order, or

(iii) the respondent to that application;

(c) in any other case—

(i) the applicant for the order, or

(ii) the respondent to the application for that order.

(8) The court may, upon hearing an application under *subsection (7)*, make such order varying the interim barring order as it considers appropriate in the circumstances.

(9) For the purposes of an application under *subsection (7)*, an interim barring order made by a court on appeal from another court shall be treated as if it had been made by that other court.

(10) An interim barring order may be made *ex parte* where, having regard to the circumstances of the particular case, the court considers it necessary or expedient to do so in the interests of justice.

(11) Where an application for an interim barring order is made *ex parte*, the application shall be grounded on an affidavit or information sworn by the applicant.

(12) An affidavit or information sworn by the applicant under *subsection (11)* shall state whether the property from which it is sought to bar the respondent on an interim basis is also a place of business of the respondent or includes or abuts a place of business of the respondent.

(13) If an interim barring order is made *ex parte* —

(a) a note of evidence given by the applicant shall be prepared forthwith—

(i) by the judge,

(ii) by the applicant or the applicant's solicitor and approved by the judge, or

(iii) as otherwise directed by the judge,

and

(b) a copy of the interim barring order, affidavit or information sworn under *subsection (11)* and note of evidence shall be served on the respondent as soon as practicable.

(14) If an interim barring order is made *ex parte* that order shall have effect for a period, not exceeding 8 working days, specified in the order unless on application by the applicant for the barring order and on notice to the respondent the interim barring order is confirmed within that 8 day period by order of the court.

(15) An interim barring order made *ex parte* shall contain a statement of the effect of *subsection (14)*.

(16) An interim barring order ceases to have effect on the determination by the court of the application for the barring order.

Emergency barring order

9. (1) In this section, "applicant" means a person (other than the Agency) who has applied, or on whose behalf the Agency has applied by virtue of *section 11*, for an emergency barring order against another person (in this section called "the respondent") and the person so applying or on whose behalf the Agency has so applied—

(a) is not the spouse or civil partner of the respondent and is not related to the respondent within a prohibited degree of relationship but lived with the respondent in an intimate relationship prior to the application for the emergency barring order, or

(b) is a parent of the respondent and the respondent is a person of full age who is not, in relation to the parent, a dependent person.

(2) The court may only make an order under this section in respect of a place where an applicant or a dependent person resides and where—

(a) the respondent has a legal or beneficial interest in the place but the applicant has no such interest, or

(b) the applicant's legal or beneficial interest is, in the opinion of the court, less than that of the respondent.

(3) Subject to *subsection (2)*, where the court, on application to it, is of the opinion, having taken into account any order made or to be made to which *paragraph (a)* or *(d)* of *section 15(2)* relates, that there are reasonable grounds for believing that there is an immediate risk of significant harm to the applicant or a dependent person if an order is not made immediately, the court shall, subject to *section 12*, by order (in this Act referred to as an "emergency barring order")—

(a) direct the respondent, if residing at the place where the applicant or that dependent person resides, to leave that place, and

(b) whether the respondent is or is not residing at the place where the applicant or that dependent person resides, prohibit that respondent from entering that place for such period, not exceeding 8 working days, as is specified in the order.

(4) An emergency barring order may, if the court thinks fit, prohibit the respondent from doing one or more of the following:

(a) using or threatening to use violence against, molesting or putting in fear, the applicant or a dependent person;

(b) attending at or in the vicinity of, or watching or besetting, a place where the applicant or a dependent person resides;

(c) following or communicating (including by electronic means) with the applicant or a dependent person.

(5) An emergency barring order may be made subject to such exceptions and conditions as the court may specify.

(6) For the purposes of *subsections (2)* and *(3)*, an applicant or a dependent person who would, but for the conduct of the respondent, be residing at a place shall be treated as residing at that place.

(7) Without prejudice to *section 32*, nothing in this Act shall be construed as affecting the rights of any person, other than the applicant or the respondent, who has a legal or beneficial interest in a place in respect of which the court has made an order under this section.

(8) Where an emergency barring order has been made, any of the following may apply to have the order varied:

(a) where the application for the order was made by the Agency in respect of a dependent person by virtue of *section 11* —

(i) the Agency,

(ii) the person referred to in *subsection (1)(c)* of that section, or

(iii) the respondent to that application;

(b) where the application for the order was made by the Agency in respect of any other person (other than a dependent person referred to in *paragraph (a)*) by virtue of *section 11* —

(i) the Agency,

(ii) the applicant for the order, or

(iii) the respondent to that application;

(c) in any other case—

(i) the applicant for the order, or

(ii) the respondent to the application for that order.

(9) The court may, upon hearing an application under *subsection (8)*, make such order varying the emergency barring order as it considers appropriate in the circumstances.

(10) For the purposes of making an application under *subsection (8)*, an emergency barring order made by a court on appeal from another court shall be treated as if it had been made by that other court.

(11) An emergency barring order may be made *ex parte* where, having regard to the circumstances of the particular case, the court considers it necessary or expedient to do so in the interests of justice.

(12) Where an application for an emergency barring order is made *ex parte*, the application shall be grounded on an affidavit or information sworn by the applicant.

(13) An affidavit or information sworn by the applicant under *subsection (12)* shall state whether the property from which it is sought to bar the respondent on an emergency basis is also a place of business of the respondent or includes or abuts a place of business of the respondent.

(14) If an emergency barring order is made *ex parte* —

(a) a note of evidence given by the applicant shall be prepared forthwith—

(i) by the judge,

(ii) by the applicant or the applicant's solicitor and approved by the judge, or

(iii) as otherwise directed by the judge,

and

(b) a copy of the emergency barring order, affidavit or information sworn under *subsection (12)* and note of evidence shall be served on the respondent as soon as practicable.

(15) Where an emergency barring order is made *ex parte* it shall have effect for such period, not exceeding 8 working days, as is specified in the order.

(16) (a) Subject to *paragraph (b)*, where an emergency barring order has been made against a respondent, no further emergency barring order shall be made against the respondent on application by or on behalf of the same applicant unless a period of at least one month has elapsed since the expiration of the last day of the period specified in the first-mentioned order.

(b) A further emergency barring order may be made against the respondent within the one month period referred to in paragraph (a) where the court is satisfied, having due regard to the circumstances of the respondent, that there are exceptional circumstances which justify the making of a further order.

Protection order

10. (1) Where the court, on application to it for a safety order or a barring order or between the making of that application and its determination, is of the opinion that there are reasonable grounds for believing that the safety or welfare of the applicant for the order concerned or of a dependent person so requires, the court shall by order (in this Act referred to as a "protection

order") prohibit the respondent to the application from doing one or more of the following:

(a) using or threatening to use violence against, molesting or putting in fear, the applicant or the dependent person;

(b) if he or she is residing at a place other than the place where the applicant or the dependent person resides, watching or besetting the place where the applicant or the dependent person resides;

(c) following or communicating (including by electronic means) with the applicant or that dependent person.

(2) A protection order may be subject to such exceptions and conditions as the court may specify.

(3) For the purposes of this section, an applicant or a dependent person who would, but for the conduct of the respondent, be residing at a place shall be treated as residing at that place.

(4) Where a protection order has been made, any of the following may apply to have the order varied:

(a) where the application for the order was made by the Agency in respect of a dependent person by virtue of section 11—

(i) the Agency,

(ii) the person referred to in *subsection (1)(c)* of that section, or

(iii) the respondent to that application;

(b) where the application for the order was made by the Agency in respect of any other person (other than a dependent person referred to in *paragraph (a)*) by virtue of *section 11* —

(i) the Agency,

(ii) the applicant for that order, or

(iii) the respondent to that application;

(c) in any other case—

(i) the applicant for the order, or

(ii) the respondent to the application for that order.

(5) The court may, upon hearing an application under *subsection (4)*, make such order varying the protection order as it considers appropriate in the circumstances.

(6) For the purposes of making an application under *subsection (4)*, a protection order made by a court on appeal from another court shall be treated as if it had been made by that other court.

(7) A protection order may be made *ex parte* where, having regard to the circumstances of the particular case, the court considers it necessary or expedient to do so in the interests of justice.

(8) Where an application for a protection order is made *ex parte*, the application shall be grounded on an affidavit or information sworn by the applicant.

(9) If a protection order is made *ex parte* —

(a) a note of evidence given by the applicant shall be prepared forthwith—

(i) by the judge,

(ii) by the applicant or the applicant's solicitor and approved by the judge, or

(iii) as otherwise directed by the judge,

and

(b) a copy of the protection order, affidavit or information sworn under *subsection (8)* and note of evidence shall be served on the respondent as soon as practicable.

(10) A protection order shall cease to have effect on the determination by the court of the application for a safety order or a barring order.

Power of the Agency to apply for certain orders

11. (1) Subject to *subsections (2)*, *(3)* and *(4)*, this section applies where the Agency—

(a) becomes aware of an alleged incident or series of incidents which in its opinion puts into doubt the safety or welfare of a person (in this section referred to as the "aggrieved person"),

(b) has reasonable cause to believe that the aggrieved person has been subjected to molestation, violence or threatened violence or otherwise put in fear of his or her safety or welfare,

(c) is of the opinion that there are reasonable grounds for believing that, where appropriate in the circumstances, a person would be deterred or prevented as a consequence of molestation, violence or threatened violence by the respondent or fear of the respondent from pursuing an application for a safety order, a barring order or an emergency barring order on his or her own behalf or on behalf of a dependent person, and

(d) considers, having ascertained as far as is reasonably practicable the wishes of the aggrieved person or, where the aggrieved person is a dependent person, of the person to whom *paragraph (c)* relates in respect of the dependent person, that it is appropriate in all the circumstances to apply for a safety order, a barring order or an emergency barring order in accordance with this Act on behalf of the aggrieved person.

(2) The Agency may apply to the court on behalf of the aggrieved person for a safety order, a barring order or an emergency barring order for which the aggrieved person or, where the aggrieved person is a dependent person, the person to whom *subsection (1)(c)* relates in respect of that dependent person, could have applied.

(3) Where an application is made by the Agency in accordance with this section, the court shall, in determining whether, and if so to what extent, to exercise any of its functions under *section 6*, *7*, *8*, *9*, *10* or *21*, have regard to any wishes expressed by—

(a) the aggrieved person, or

(b) where the aggrieved person is a dependent person, the person to whom *subsection (1)(c)* relates in respect of the dependent person and, where the court considers it appropriate, the dependent person.

(4) The provisions of *paragraphs (a)* and *(b)* of *subsection (1)* need not be complied with where an application relates to an aggrieved person who is a dependent person, or in respect of so much of an application as relates to an aggrieved person who is a dependent person, if the court is of the opinion that there is reasonable cause to believe that—

(a) the dependent person has been or is being assaulted, ill-treated, sexually abused or seriously neglected, or

(b) the dependent person's health, development or welfare has been, is being or is likely to be avoidably impaired or seriously neglected,

and that if the order is made the likelihood of harm to that dependent person will not arise or will be materially diminished.

(5) The court shall not make a barring order, an interim barring order or an emergency barring order where the aggrieved person is a dependent person unless the Agency satisfies the court that the person to whom *subsection (1)(c)* relates in respect of that dependent person is willing and able to provide reasonable care for that dependent person.

Power to make care order or supervision order under Child Care Act 1991

12. (1) Where in proceedings for an order under this Act, other than proceedings to which section 11 relates, it appears to the court that it may be appropriate for a care order or a supervision order to be made with respect to a dependent person concerned in the proceedings, the court may, of its own motion or on the application of a person concerned, adjourn the proceedings and direct the Agency to undertake an investigation or, as the case may be, further investigations of that dependent person's circumstances.

(2) Where proceedings are adjourned and the court gives a direction under *subsection (1)*, the court may give such directions under the Act of 1991 as it sees fit as to the care and custody of, and may make a supervision order in respect of, the dependent person concerned pending the outcome of the investigation by the Agency.

(3) Where the court gives a direction under *subsection (1)* in respect of a dependent person, the Agency shall undertake an investigation of the dependent person's circumstances and shall consider if it should—

(a) apply for a care order or a supervision order,

(b) provide any service or assistance for that dependent person's family, or

(c) take any other action in respect of that dependent person.

(4) Where the Agency undertakes an investigation under this section and decides not to apply for a care order or supervision order with respect to the dependent person concerned, it shall inform the court of—

(a) its reasons for so deciding,

(b) any service or assistance it has provided, or intends to provide, for that dependent person and his or her family, and

(c) any other action which it has taken, or proposes to take, with respect to that dependent person.

(5) In this section—

"care order" means a care order under the Act of 1991;

"supervision order" means a supervision order under the Act of 1991.

Application of section 9(2) of Family Home Protection Act 1976

13. (1) Where an application for a barring order or a safety order is made against the spouse of the applicant, subsection (2) of section 9 of the Act of 1976 shall apply—

(a) between the making of the application for the order and the determination of that application, and

(b) if that order is made, while that order is in force,

as it applies between the institution and final determination of matrimonial proceedings to which that section relates.

(2) The court which is empowered under subsection (2)(b) of section 9 of the Act of 1976 to grant permission for a disposition or removal of household chattels within the meaning of that section is, notwithstanding anything in section 10 of that Act, the court before which the proceedings, including proceedings for a barring order or a safety order, have been instituted.

Application of section 34(2) of Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010

14. (1) Where an application for a barring order or a safety order is made against the civil partner of the applicant, subsection (2) of section 34 of the Act of 2010 shall apply—

(a) between the making of the application for the order and its determination, and

(b) if that order is made, while that order is in force,

as it applies between the institution and final determination of dissolution proceedings to which that section relates.

(2) The court which is empowered under subsection (2)(b) of section 34 of the Act of 2010 to grant permission for a disposition or removal of household chattels within the meaning of that section is, notwithstanding anything in section 140 of that Act, the court before which the proceedings, including proceedings for a barring order or a safety order, have been instituted.

Hearing of applications under Acts together

15. (1) Where an application is made to the court for an order under this Act, the court may, on application to it in the same proceedings and without the institution of proceedings under one or more of the Acts referred to in *subsection (2)*, if it appears to the court to be proper to do so, make one or more of the orders specified in that subsection.

(2) The orders specified for the purposes of *subsection (1)* are orders made under—

(a) section 11 of the Act of 1964,

(b) section 5, 5A, 5B, 6, 7 or 21A of the Family Law (Maintenance of Spouses and Children) Act 1976,

(c) section 5 or 9 of the Act of 1976,

(d) the Act of F1**[**1991,**]**

(e) section 30, 34 or 45 of the F1**[**Act of 2010, or**]**

F2**[**(f) Part 5 of the Criminal Justice (Miscellaneous Provisions) Act 2023.**]**

Protection against cross-examination by applicant or respondent

16. (1) Where—

(a) an application is made to a court for a specified order,

(b) a person under the age of 18 years is to give evidence, and

(c) the applicant or respondent proposes to cross-examine the person referred to in *paragraph (b)* personally,

the court shall direct that the applicant or the respondent, as the case may be, may not personally cross-examine the witness unless the court is of the opinion that the interests of justice require the applicant or respondent to conduct the cross-examination personally.

(2) Where—

(a) an application is made to a court for a specified order,

(b) a person who has attained the age of 18 years (being the applicant for the specified order, an aggrieved person under *section 11*, a dependent person or the respondent to that application) is to give evidence, and

(c) the applicant or respondent proposes to cross-examine the person referred to in *paragraph (b)* personally,

the court may direct that the applicant or the respondent, as the case may be, may not personally cross-examine the witness unless the court is of the opinion that the interests of justice require the applicant or respondent to conduct the cross- examination personally.

(3) Where an applicant or respondent, as the case may be, is prevented from cross-examining a witness by virtue of *subsection (1)* or *(2)*, the court shall—

(a) invite the applicant or respondent to arrange for a legal representative to act for him or her for the purpose of cross-examining the witness, and

(b) require the applicant or respondent to notify the court, by the end of such period as it may specify, as to whether a legal representative is to act for him or her for that purpose.

(4) If by the end of the period referred to in *subsection (3)(b)*, the applicant or respondent has notified the court that no legal representative is to act for him or her for the purpose of cross-examining the witness or no notification has been received by the court and it appears to the court that no legal representative is to so act, the court shall consider whether it is necessary, in the interests of justice, for the witness to be cross-examined by a legal representative appointed to act for the applicant or respondent for that purpose.

(5) If the court decides under *subsection (4)* that it is necessary, in the interests of justice, for the witness to be cross-examined by a legal representative appointed to act for the applicant or respondent for that purpose, the court shall appoint a legal representative (chosen by the court) to cross-examine the witness on behalf of the applicant or respondent.

Requirement to give reasons for certain decisions

17. Where an application is made to a court for a specified order, the court shall give reasons for its decision—

(a) to grant or refuse the application,

(b) if applicable, to make the specified order subject to exceptions or conditions, and

(c) to vary the exceptions or conditions referred to in *paragraph (b)*.

Taking effect of orders

18. (1) A relevant order shall take effect on notification of the making of the relevant order concerned being given to the respondent.

(2) Oral communication to the respondent by or on behalf of the applicant of the fact that a relevant order has been made, together with production of a copy of the relevant order, shall, without prejudice to the sufficiency of any other form of notification, be taken to be sufficient notification to the respondent of the making of the order.

(3) If the respondent is present at a sitting of the court at which the relevant order is made, that respondent shall be taken for the purposes of *subsection (1)* to have been notified of its making.

(4) A court may direct that a relevant order be served personally by a member of the Garda Síochána on a respondent who is not present at a sitting of the court at which the order is made in any case where—

(a) there are reasonable grounds for believing that the respondent may evade service of the order, or

(b) there is any other good and sufficient reason to so direct.

(5) In this section, "relevant order" means—

(a) a safety order, barring order, interim barring order, emergency barring order or protection order, or

(b) an order varying an order referred to in *paragraph (a)*.

Copies of orders to be given to certain persons

19. (1) The court, on making, varying or discharging a safety order or a protection order, shall cause a copy of the order in question to be given or sent as soon as practicable—

(a) to the applicant for the safety order or, in respect of a protection order, the applicant for the safety order or barring order concerned,

(b) to the respondent to the application for the safety order or, in respect of a protection order, the respondent to the application for the safety order or barring order concerned,

(c) where the Agency has made the application by virtue of *section 11* for the safety order or, in respect of a protection order, for the safety order or barring order concerned, to the Agency,

(d) to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the person, for whose benefit the safety order or protection order was made, resides, and

(e) where the order in question is a variation or discharge of a safety order or a protection order and the person for whose benefit the order was made had previously resided elsewhere, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which that person had so resided but only if that member had previously been sent under this subsection a copy of that safety order, protection order, or any order relating thereto.

(2) The court on making, varying or discharging a barring order or an interim barring order shall cause a copy of the order in question to be given or sent as soon as practicable—

(a) to the applicant for the barring order,

(b) to the respondent to the application for the barring order,

(c) where the Agency has made the application by virtue of *section 11* for the barring order concerned, to the Agency,

(d) to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the place, in relation to which the application for the barring order was made, is situated, and

(e) where the order in question is a variation or discharge of a barring order or an interim barring order and the place in respect of which the previous order was made is elsewhere, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which that place is situated but only if that member had previously been sent a copy of the barring order or interim barring order that has been varied or discharged or any order relating thereto.

(3) The court on making, varying or discharging an emergency barring order shall cause a copy of the order to be given or sent as soon as practicable—

(a) to the applicant for the emergency barring order,

(b) to the respondent to the application for the emergency barring order,

(c) where the Agency has made the application by virtue of *section 11* for the emergency barring order concerned, to the Agency,

(d) to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which the place, in relation to which the application for the emergency barring order was made, is situated, and

(e) where the order in question is a variation or discharge of an emergency barring order and the place in respect of which the previous order was made is elsewhere, to the member of the Garda Síochána in charge of the Garda Síochána station for the area in which that place is situated but only if that member had previously been sent a copy of the emergency barring order that has been varied or discharged or any order relating thereto.

(4) The court on making, varying or discharging a safety order, a barring order, an interim barring order, an emergency barring order or a protection order on the application of, or on behalf of, a person who is not of full age, shall cause a copy of the order in question to be given or sent as soon as practicable to the Agency.

(5) The validity of an order to which this section relates shall not be affected by non-compliance with *subsections (1)*, *(2)*, *(3)* or *(4)*.

Effect of appeal from order

20. (1) An appeal from a safety order or a barring order shall, if the court that made the order or the court to which the appeal is brought so determines (but not otherwise), stay the operation of the order on such terms (if any) as may be imposed by the court making the determination.

(2) An appeal from a protection order, an interim barring order or an emergency barring order shall not stay the operation of the order.

Discharge of orders

21. (1) Where a safety order, barring order, interim barring order, emergency barring order or protection order has been made, any of the following persons may apply to the court that made the order to have the order discharged:

(a) where the application for the order was made by the Agency in respect of a dependent person by virtue of *section 11* —

(i) the Agency,

(ii) the person referred to in *subsection (1)(c)* of that section, or

(iii) the respondent to that application;

(b) where the application for the order was made by the Agency in respect of any other person (other than a dependent person referred to in *paragraph (a)*) by virtue of *section 11* —

(i) the Agency,

(ii) the applicant for that order, or

(iii) the respondent to that application;

(c) in any other case—

(i) the applicant for the order, or

(ii) the respondent to the application for the order.

(2) The court shall, on an application under *subsection (1)*, discharge the order if it is of the opinion that the safety and welfare of the applicant or the dependent person for whose protection the order was made does not require that the order should continue in force.

(3) A court may, if it thinks fit, discharge a safety order, barring order, interim barring order, emergency barring order or protection order where the court is determining, as between the applicant and the respondent—

(a) a matrimonial cause or matter,

(b) annulment or dissolution proceedings under the Act of 2010, or

(c) proceedings under the Act of 1964.

(4) For the purposes of this section, an order made by a court on appeal from another court shall be treated as if it had been made by that other court.

Exercise of jurisdiction by court in civil proceedings

22. (1) The jurisdiction of the court in respect of civil proceedings under this Act may be exercised—

(a) as regards the Circuit Court, by the judge of the Circuit Court within whose circuit, and

(b) as regards the District Court, by a judge of the District Court for the time being assigned to the district court district within which,

the applicant resides or, if the application is for a barring order or an emergency barring order, the place, in relation to which that application was made, is situated.

(2) For the purposes of *subsection (1)*, a person concerned who would, but for the conduct of the respondent, be residing at a place may be treated by the court as residing at that place.

Hearing of civil proceedings

23. (1) Subject to section 40 of the Act of 2004 and *section 26(1)*, civil proceedings under this Act shall be heard otherwise than in public.

(2) Where under *section 15* a court hears together applications under more than one Act, the court shall, in so far as is practicable, comply with the requirements relating to the hearing of applications under each of those Acts and the other relevant provisions of those Acts shall apply accordingly.

(3) (a) Civil proceedings under this Act before the District Court shall be as informal as is practicable and consistent with the administration of justice.

(b) District Court judges hearing and determining civil proceedings under this Act and barristers and solicitors appearing in those proceedings shall not wear wigs or gowns.

(4) Civil proceedings under this Act before the Circuit Court shall be heard by the Circuit Family Court and accordingly, section 32 and subsections (1) and (2) of section 33 of the Act of 1989 shall apply to those proceedings.

(5) The proceedings to which subsections (3) and (4) of section 33 of the Act of 1989 apply shall be deemed to include proceedings under this Act.

(6) In this section, "Act of 1989" means the Judicial Separation and Family Law Reform Act 1989.

Special sitting of District Court

24. (1) A member of the Garda Síochána not below the rank of sergeant may request the Courts Service to arrange a special sitting of the District Court for the purposes specified in *subsection (2)* —

(a) where a person has informed the member that he or she wishes to make an application referred to in *paragraph (a)* of that subsection, and

(b) at the time the person so informs the member, there is no District Court sitting in the district court district in which that person would make such an application if that court was sitting.

(2) The purposes referred to in *subsection (1)* are—

(a) to facilitate the making and determination of an application for an interim barring order, an emergency barring order or a protection order, and

(b) where necessary for the purposes of an application referred to in *paragraph (a)*, to facilitate the making of an application for a safety order or a barring order.

(3) The Courts Service may, with the consent of a judge of the District Court exercising jurisdiction in accordance with *section 22*, arrange such special sittings of the District Court in the district court district referred to in *subsection (1)(b)* as may be necessary for the purposes specified in *subsection (2)*.

(4) In this section, "special sitting" means a sitting of the District Court at a place and time not standing appointed for the time being under section 26 of the Courts of Justice Act 1953 or section 40 or 42 of the Courts (Supplemental Provisions) Act 1961 for the transaction of the business of the District Court.

Evidence through television link for civil proceedings

25. (1) In civil proceedings under this Act, a person (other than the respondent) may give evidence through a live television link—

(a) where that person has not attained the age of 18 years, unless the court sees good reason to the contrary,

(b) in any other case, with the leave of the court.

(2) Evidence given under *subsection (1)* shall be video-recorded or audio-recorded.

(3) Where live television link facilities are not in operation in a circuit court or district court district, and in the opinion of the court concerned it is desirable that evidence in the proceedings be given through a live television link, the court may by order transfer the proceedings to a circuit or district court district in relation to which those facilities are in operation.

(4) Where a court transfers proceedings under *subsection (3)*, the jurisdiction of the court to which the proceedings have been transferred may be exercised—

(a) in the case of the Circuit Court, by the judge of the circuit concerned, and

(b) in the case of the District Court, by the judge of that court for the time being assigned to the district court district concerned.

(5) In this section, "video-recorded" means a recording on any medium from which a moving image may, by any means, be produced and includes the accompanying soundtrack (if any).

Right to be accompanied in court in certain circumstances

26. (1) Subject to *subsection (2)*, an applicant may, in addition to being accompanied by his or her legal representative (if any), be accompanied in court by an individual (including a support worker) of his or her choice.

(2) The court may refuse to allow an applicant to be accompanied in court by a particular individual at any stage in the proceedings which relate to the applicant if the court considers that it would not be in the interests of justice for the individual concerned to accompany, or continue to accompany, the applicant and where the court so refuses it shall give reasons for such refusal.

(3) In this section, "support worker" means a volunteer of, or an individual employed under a contract of service or under a contract for services by, an organisation which provides support to victims of domestic violence.

Views of a child for whom an order is sought

27. (1) In civil proceedings under this Act, other than proceedings for the making of an interim barring order, an emergency barring order or a protection order, where an order is sought on behalf of a child, the court may, having regard to the age and maturity of that child, ascertain the views of the child prior to deciding whether or not to make the order in so far as that order relates to that child.

(2) The court may, by order, appoint an expert to ascertain and convey the views of a child where the court considers that appointment to be necessary for the purpose of *subsection (1)*.

(3) Without prejudice to the generality of *subsection (2)*, the court shall, in deciding whether to make an order under that subsection in relation to a child, have regard in particular to the following:

(a) the age and maturity of the child;

(b) any previous report made under this section in respect of the child;

(c) whether the making of the order will assist the expression by the child of his or her views in the proceedings;

(d) the best interests of the child.

(4) An expert appointed under *subsection (2)* shall—

(a) ascertain the maturity of the child,

(b) where so requested by the court, determine whether or not the child is capable of forming his or her own views on the matters which are the subject of the proceedings and report to the court on that determination, and

(c) where not so requested by the court under *paragraph (b)*, or where so requested and the expert determines that the child is capable of forming his or her own views on the matters which are the subject of the proceedings—

(i) ascertain the views of the child either generally on those matters or on a specific question on which the court requests the child's views, and

(ii) furnish a report to the court setting out the views of the child ascertained under *subparagraph (i)*.

(5) The court may call an expert appointed under *subsection (2)* as a witness in the proceedings.

(6) Regulations made by the Minister in consultation with the Minister for Children and Youth Affairs under subsection (10) of section 32 of the Act of 1964 shall, in so far as those regulations apply to an expert appointed under subsection (1)(b) of that section, apply to an expert appointed under *subsection (2)*.

(7) The fees and expenses of an expert appointed under *subsection (2)* shall be paid by such party to the proceedings, or by such parties to the proceedings and in such proportions, as the court may specify.

(8) Where the court has under this section by order appointed an expert, nothing in this section shall prevent the court from making a further order appointing the same or a different expert to perform the function of ascertaining the views of the child concerned.

Information to victims of domestic violence on support services

28. The Courts Service shall provide each applicant with information on, and contact details for, support services for victims of domestic violence.

Recommendation for engagement by respondent with certain services

29. (1) A court may, when making a safety order, a barring order or an emergency barring order, recommend to a respondent that he or she engage with a programme or service to address any issue relating to his or her behaviour which contributed to the application for the order being made including—

(a) a programme for perpetrators of domestic violence,

(b) an addiction service,

(c) a counselling or psychotherapy service, or

(d) a financial planning service.

(2) The court may, when hearing an application for a variation of, or an appeal from, a safety order, barring order or emergency barring order or when hearing an application for a further safety, barring or emergency barring order, consider the engagement of the respondent with a programme or service referred to in *subsection (1)* or any engagement of the respondent with a similar programme or service, whether or not on the recommendation of the court and the outcome of that engagement.

(3) If a court considers the engagement of the respondent with a programme or service in accordance with *subsection (2)*, it shall have regard to the view (if any) of the applicant on that engagement and the effect of that engagement on the behaviour of the respondent.

Costs

30. The costs of civil proceedings under this Act shall be at the discretion of the court.

Rules of court and service of documents

31. (1) For the purpose of ensuring the expeditious hearing of applications under this Act, rules of court may make provision for the service of documents otherwise than under section 7 of the Courts Act 1964 in circumstances to which that section relates.

(2) This section is without prejudice to section 24 of the Interpretation Act 2005 which provides for rules of court.

Orders not to affect rights under certain enactments or estate or interest

32. (1) Where, by reason only of an interim barring order, emergency barring order or a barring order, a person is not residing at a place during any period, that person shall be deemed, for the purposes of any rights under the Statutes of Limitations, the Landlord and Tenant Acts 1967 to 2008, the Housing (Private

Rented Dwellings) Acts 1982 and 1983 and the Residential Tenancies Acts 2004 to 2015, to be residing at that place during that period.

(2) Except in so far as the exercise by a respondent of a right to occupy the place to which a barring order, an interim barring order or an emergency barring order relates is suspended by virtue of the order, that order shall not affect any estate or interest in that place of that respondent or any other person.

PART 3

Offences and Proceedings for Offences

Offences

33. (1) A respondent who—

(a) contravenes a safety order, a barring order, an interim barring order, an emergency barring order or a protection order, or

(b) while a barring order, an emergency barring order or an interim barring order is in force, refuses to permit the applicant or a dependent person to enter in and remain in the place to which the order relates or does any act for the purpose of preventing the applicant or dependent person from so doing,

commits an offence and shall be liable on summary conviction to a class B fine or to imprisonment for a term not exceeding 12 months, or both.

(2) *Subsection (1)* is without prejudice to the law relating to contempt of court or any other liability, whether civil or criminal, that may be incurred by the respondent concerned.

Restrictions on those present in courtroom in proceedings under section 33

34. In proceedings relating to an offence under *section 33*, the judge shall exclude from the court during those proceedings all persons except officers of the court, persons directly concerned with those proceedings, *bona fide* representatives of the press and such other persons (if any) as the judge may in his or her discretion permit to remain.

Arrest without warrant

35. (1) Where a member of the Garda Síochána has reasonable cause for believing that an offence is being or has been committed under *section 33* the member may, on complaint being made to him or her by or on behalf of the person who was the applicant for the order referred to in *subsection (1)* of that section, arrest the respondent concerned without warrant.

(2) For the purpose of arresting a respondent under *subsection (1)*, a member of the Garda Síochána may enter, if need be by force, and search a place where the member, with reasonable cause, suspects the respondent to be.

Prohibition on publication or broadcast of certain matters

36. (1) Subject to *subsection (2)* and any direction given under *subsection (4)*, where a person is charged with an offence under *section 33*, a person who publishes or broadcasts information about, or a photograph, depiction or other representation of the physical likeness of, the relevant person, the

person charged or a dependent person of either of them that is likely to enable the identification of the relevant person or the person charged commits an offence.

(2) A person does not commit an offence under *subsection (1)* where—

(a) the relevant person consents in court to being identified or to the person charged being identified, or both, and

(b) the court, having considered the effect of identification on a dependent person of either the relevant person or the person charged, consents to that identification.

(3) If any matter is published or broadcast in contravention of *subsection (1)*, the following persons commit an offence:

(a) in the case of matter published in a newspaper or periodical publication, the proprietor, the editor and the publisher thereof;

(b) in the case of matter published in any other written publication, the publisher thereof;

(c) in the case of matter broadcast, each person who transmits or provides the programme in which the broadcast is made and each person who performs functions in relation to the programme corresponding to those of the editor of a newspaper.

(4) The judge of the court in which proceedings for an offence under *section 33* are brought may, where he or she considers that the interests of justice so require, direct that such information to which *subsection (1)* applies as he or she shall specify in the direction, may be published or broadcast in such manner and subject to such conditions as he or she may specify in the direction.

(5) In this section—

"broadcast" has the same meaning as it has in the Broadcasting Act 2009;

"publish" means publish, other than by way of broadcast, to the public or a portion of the public;

"relevant person" means the applicant for the order referred to in *section 33(1)* to which the offence relates.

Penalties for offence under section 36

37. (1) A person who commits an offence under *subsection (1)* of *section 36* is liable—

(a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months, or both, or

(b) on conviction on indictment, to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years, or both.

(2) A person who contravenes a direction or a condition specified in a direction given under *subsection (4)* of *section 36* commits an offence and is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, and

(b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 3 years, or both.

(3) (a) Where an offence under *section 36* has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate commits an offence and shall be liable to be proceeded against and punished as if he or she committed the first-mentioned offence.

(b) Where the affairs of a body corporate are managed by its members, *paragraph (a)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

(4) It shall be a defence for a person who is charged with an offence under *section 36* to prove that at the time of the alleged offence the person was not aware, and neither suspected nor had reason to suspect, that the matter alleged to have been published or broadcast was a matter specified in that section.

Offence of forced marriage

38. (1) A person commits an offence where he or she engages in relevant conduct for the purpose of causing another person to enter into a ceremony of marriage.

(2) A person commits an offence where he or she—

(a) removes another person from the State, and

(b) intends the other person to be subject to relevant conduct outside the State for the purpose of causing that other person to enter into a ceremony of marriage.

(3) A person commits an offence where, in a place other than the State, the person engages in relevant conduct for the purpose of causing another person to enter into a ceremony of marriage and the first-mentioned person is, at the time he or she engages in that conduct—

(a) an Irish citizen or ordinarily resident in the State and that conduct for that purpose would constitute an offence in the place in which that conduct occurs,

(b) on board an Irish ship within the meaning of section 9 of the Mercantile Marine Act 1955, or

(c) on an aircraft registered in the State.

(4) For the purpose of an offence under this section, the relevant conduct concerned (other than undue influence) may be directed at the other person referred to in *subsection (1)* or *(2)(a)*, as the case may be, or another person.

(5) Proceedings for an offence under *subsection (3)* may be taken in any place in the State and the offence may, for all incidental purposes, be treated as having been committed in that place.

(6) In proceedings for an offence under *subsection (3)* —

(a) a certificate signed by an officer of the Department of Foreign Affairs and Trade and stating that a passport was issued by that Department to a person on a specified date, and

(b) a certificate signed by an officer of the Minister and stating that, to the best of the officer's knowledge and belief, the person has not ceased to be an Irish citizen,

is evidence of the facts stated in the certificate, and is taken to have been signed by the person purporting to have signed it, unless the contrary is shown.

(7) A person who commits an offence under this section shall be liable—

(a) on summary conviction to a class A fine or a term of imprisonment not exceeding 12 months, or both, or

(b) on conviction on indictment to a fine or a term of imprisonment not exceeding 7 years, or both.

(8) For the purposes of this section a person shall be deemed to be ordinarily resident in the State if he or she has had his or her principal residence in the State for the period of 12 months immediately preceding the alleged commission of the offence.

(9) Where a person has been acquitted of an offence in a place other than the State, he or she shall not be proceeded against for an offence under this section consisting of the alleged act or acts constituting the first-mentioned offence.

(10) Where a person has been convicted of an offence in a place other than the State, he or she shall not be proceeded against for an offence under this section consisting of the act or acts constituting the first-mentioned offence.

(11) In this section—

"ceremony of marriage" means any religious, civil or secular ceremony of marriage, whether legally binding or not;

"relevant conduct" means violence, threats, undue influence or any form of coercion or duress;

"removes another person from the State" includes—

(a) arranging any part of the other person's travel out of the State,

(b) accompanying the other person for any portion of that travel,

(c) arranging that the other person be met when his or her travel out of the State has terminated, or

(d) doing any other act that could facilitate the other person's travel out of the State.

Offence of coercive control

39. (1) A person commits an offence where he or she knowingly and persistently engages in behaviour that—

(a) is controlling or coercive,

(b) has a serious effect on a relevant person, and

(c) a reasonable person would consider likely to have a serious effect on a relevant person.

(2) For the purposes of *subsection (1)*, a person's behaviour has a serious effect on a relevant person if the behaviour causes the relevant person—

(a) to fear that violence will be used against him or her, or

(b) serious alarm or distress that has a substantial adverse impact on his or her usual day-to-day activities.

(3) A person who commits an offence under *subsection (1)* is liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, and

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

(4) In this section, a person is a "relevant person" in respect of another person if he or she—

(a) is the spouse or civil partner of that other person, or

(b) is not the spouse or civil partner of that other person and is not related to that other person within a prohibited degree of relationship but is or was in an intimate relationship with that other person.

Relationship between defendant and victim as aggravating factor in sentencing for certain offences

40. (1) Where a court is determining the sentence to be imposed on a person for a relevant offence, the fact that the offence was committed by the person against a relevant person shall be treated, for the purpose of determining the sentence, as an aggravating factor.

(2) Subject to *subsection (3)*, where *subsection (1)* applies the court shall impose a sentence which is greater than that which would have been imposed if the person against whom the offence was committed was not a relevant person.

(3) *Subsection (2)* shall not apply where the court considers that there are exceptional circumstances justifying it not applying that subsection.

(4) The sentence imposed as a result of the application of *subsection (2)* shall not be greater than the maximum sentence permissible for the relevant offence concerned.

(5) In this section—

"Act of 1990" means the Criminal Law (Rape) (Amendment) Act 1990;

"relevant offence" means—

F3**[**(a) an offence under section 2 , 3 , 3A, 4 , 4A or sections 5 to 15 of the Non-Fatal Offences against the Person Act 1997,**]**

F4**[**(aa) an offence under section 2 or 3 of the Harassment, Harmful Communications and Related Offences Act 2020,**]**

(b) any offence which involves violence or a threat of violence to a person other than an offence—

(i) referred to in *paragraph (a)*, or

(ii) under *section 39*,

(c) rape,

(d) rape under section 4 of the Act of 1990,

(e) sexual assault within the meaning of section 2 of the Act of 1990,

(f) aggravated sexual assault within the meaning of section 3 of the Act of 1990,

(g) an offence consisting of attempting or conspiring to commit, or aiding or abetting, counselling or procuring or inciting the commission of, an offence referred to in F5**[**in *paragraph (a), (aa), (b), (c), (d), (e)* or *(f)*]**]**.

(6) In this section, a person is a "relevant person" in respect of another person if he or she—

(a) is the spouse or civil partner of that other person, or

(b) is not the spouse or civil partner of that other person and is not related to that other person within a prohibited degree of relationship but is or was in an intimate relationship with that other person.

PART 4

Transitional and Savings and Consequential Amendments to other Acts

Continuance of orders made under Act of 1996

41. (1) A safety order made under the Act of 1996 in force immediately before the coming into operation of *section 6* shall, after that coming into operation, continue in force as if it had been made under that section and this Act shall apply to that order.

(2) A barring order made under the Act of 1996 in force immediately before the coming into operation of *section 7* shall, after that coming into operation, continue in force as if it had been made under that section and this Act shall apply to that order.

(3) An interim barring order made under the Act of 1996 in force immediately before the coming into operation of *section 8* shall, after that coming into operation, continue in force as if it had been made under that section and this Act shall apply to that order.

(4) A protection order made under the Act of 1996 in force immediately before the coming into operation of *section 10* shall, after that coming into operation, continue in force as if it had been made under that section and this Act shall apply to that order.

Continuation of proceedings

42. (1) Where on the coming into operation of *Part 2*, proceedings referred to in *subsection (2)* have been commenced under the Act of 1996 but not determined, those proceedings shall be continued as if they were civil proceedings under this Act.

(2) *Subsection (1)* applies to the following proceedings:

(a) proceedings for the making, variation or discharge of a safety order or a barring order;

(b) proceedings, consequent on the making of an application for a barring order, for the making, variation or discharge of an interim barring order which relates to the application;

(c) proceedings, consequent on the making of an application for a safety order or barring order, for the making, variation or discharge of a protection order which relates to the application;

(d) any proceedings by way of appeal or case stated which are related to proceedings to which *paragraph (a)*, *(b)* or *(c)* applies.

Amendment of section 1 of Criminal Damage Act 1991

43. Section 1 of the Criminal Damage Act 1991 is amended—

(a) in subsection (3)(b), by the substitution of the following subparagraph for subparagraph (ii):

"(ii) is the subject of a safety order, protection order, interim barring order or barring order made under the *Domestic Violence Act 2018*, or treated under *section 41* of that Act as if that order was made under that Act, or is excluded from the home pursuant to any other order of the court,",

and

(b) in subsection (3A)(b), by the substitution of the following subparagraph for subparagraph (ii):

"(ii) is the subject of a safety order, protection order, interim barring order or barring order made under the *Domestic Violence Act 2018*, or treated under *section 41* of that Act as if that order was made under that Act, or is excluded from the home pursuant to any other order of the court.".

Amendment of section 12 of Criminal Evidence Act 1992

44. Section 12(1) (amended by section 30 of the Criminal Justice (Victims of Crime) Act 2017) of the Criminal Evidence Act 1992 is amended in the definition of "relevant offence" —

(a) by the insertion of the following paragraph after paragraph (d):

"(da) an offence under *section 33*, *38* or *39* of the *Domestic Violence Act 2018*;",

and

(b) in paragraph (e), by the substitution of "(c), (d) or (da)" for "(c) or (d)".

Amendment of Family Law Act 1995

45. (1) The Act of 1995 is amended—

(a) in section 2(1) —

(i) by the deletion of the definition of "Act of 1996", and

(ii) by the insertion of the following definition:

(" ' *Act of 2018* ' means the *Domestic Violence Act 2018*;",

(b) in section 6, by the substitution of the following paragraph for paragraph (a) :

"(a) an order under *section 6*, *7*, *8* or *10* of the *Act of 2018*,",

(c) in section 10(1), by the substitution of the following paragraph for paragraph (d) :

"(d) an order under *section 6*, *7*, *8* or *10* of the *Act of 2018*,",

(d) in section 31(1), by the deletion of paragraph (b),

(e) by the repeal of section 33,

(f) in section 38(4)—

(i) by the deletion of paragraph (a), and

(ii) in paragraph (b), by the deletion of the words "in any other case,",

and

(g) in section 47(6), by the substitution of the following paragraph for paragraph (d):

"(d) under the *Act of 2018*,".

(2) Where on the coming into operation of this section, an application has been made under section 33 of the Act of 1995 but not determined that application shall continue as if the amendments effected by *paragraphs (d)*, *(e)* and *(f)* of *subsection (1)* had not been made and, where an order is made under section 33 pursuant to that application exempting the marriage from the application of section 31(1)(a) of the Act of 1995, that exemption shall be a valid exemption for that purpose.

(3) Notwithstanding the coming into operation of *paragraph (d)* of *subsection (1)*, section 31(1)(b) of the Act of 1995 shall continue to apply to an exemption granted under section 33 of that Act prior to that coming into operation and to an exemption granted in accordance with *subsection (2)*.

(4) For the avoidance of doubt, nothing in this section shall affect the validity of a marriage by reason only that the marriage was entered into in reliance on an exemption granted under section 33 of the Act of 1995—

(a) prior to the coming into operation of this section, or

(b) in accordance with *subsection (2)*.

Amendment of section 28 of Civil Legal Aid Act 1995

46. Section 28 of the Civil Legal Aid Act 1995 is amended by the insertion of the following subsection after subsection (5C):

"(5D) Notwithstanding any other provision of this Act, where an applicant or respondent (within the meaning of the *Domestic Violence Act 2018*) is prevented from conducting a cross-examination referred to in *section 16* of that Act, the Board shall grant a legal aid certificate to the applicant or respondent, as the case may be, for the purpose of his or her being represented in relation to such a cross-examination.".

Amendment of Family Law (Divorce) Act 1996

47. The Family Law (Divorce) Act 1996 is amended—

(a) in section 2(1) —

(i) by the deletion of the definition of "Act of 1996", and

(ii) by the insertion of the following definition:

" ' *Act of 2018* ' means the *Domestic Violence Act 2018*;",

(b) in section 11, by the substitution of the following paragraph for paragraph (a) :

"(a) a safety order, barring order, interim barring order or protection order under the *Act of 2018*,",

and

(c) in section 15(1), by the substitution of the following paragraph for paragraph (d) :

"(d) an order under *section* 6, 7, 8 or 10 of the *Act of 2018*,".

Amendment of section 9 of Mental Health Act 2001

48. Section 9 of the Mental Health Act 2001 is amended in subsection (8) by—

(a) the substitution of the following definition for the definition of "civil partner":

" 'civil partner', in relation to a person, does not include a civil partner of a person who is living separately and apart from the person or in respect of whom—

(a) an application for an order has been made under the *Domestic Violence Act 2018* or an application for an order has been made which is treated, in accordance with *section 42* of that Act, as if it had been made under that Act, or

(b) an order has been made under the *Domestic Violence Act 2018* or an order has been made which is treated, in accordance with *section 41* of that Act, as if it had been made under that Act;",

and

(b) the substitution of the following definition for the definition of "spouse":

" 'spouse', in relation to a person, does not include a spouse of a person who is living separately and apart from the person or in respect of whom—

(a) an application for an order has been made under the *Domestic Violence Act 2018* or an application for an order has been made which is treated, in accordance with *section 42* of that Act, as if it had been made under that Act, or

(b) an order has been made under the *Domestic Violence Act 2018* or an order has been made which is treated, in accordance with *section 41* of that Act, as if it had been made under that Act.".

Amendment of section 2 of Civil Registration Act 2004

49. Section 2(2) of the Civil Registration Act 2004 is amended by the substitution of the following paragraph for paragraph (c):

"(c) one or both of the parties to the intended marriage will be under the age of 18 years on the date of solemnisation of the intended marriage and an exemption from the application of section 31(1)(a)

of the Family Law Act 1995 in relation to the marriage was not granted under section 33 of that Act—

(i) prior to the coming into operation of *subsection (1)* of *section 45* of the *Domestic Violence Act 2018*, or

(ii) in accordance with *subsection (2)* of *section 45* of that Act.".

Amendment of section 39 of Civil Liability and Courts Act 2004

50. (1) Section 39 of the Act of 2004 is amended in the definition of "relevant enactment" by the substitution—

(a) of the following paragraph for paragraph (h):

"(h) section 33 (for the purposes of *section 45(2)* of the *Domestic Violence Act 2018*) or 38 of the Act of 1995;",

and

(b) of the following paragraph for paragraph (j):

"(j) *section 23* of the *Domestic Violence Act 2018*;".

(2) Where, prior to the coming into operation of *subsection (1)(a)*, a person has contravened section 40A(1) of the Act of 2004 as respects proceedings to which paragraph (h) of the definition of "relevant enactment" in section 39 of that Act relates, then notwithstanding the repeal of section 33 of the Act of 1995 by *section 45(1)(e)*, section 40A of the Act of 2004 continues to apply to that contravention as if the amendment in *subsection (1)(a)* had not been made.

(3) Where, prior to the coming into operation of *subsection (1)(b)*, a person has contravened section 40A(1) of the Act of 2004 as respects proceedings to which paragraph (j) of the definition of "relevant enactment" in section 39 of that Act relates, then notwithstanding the repeal of section 16 of the Act of 1996 by *section 3*, section 40A of the Act of 2004 continues to apply to that contravention as if the amendment in *subsection (1)(b)* had not been made.

Amendment of Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010

51. The Act of 2010 is amended—

(a) in section 115, by the substitution of the following paragraph for paragraph (a):

"(a) a safety order, barring order, interim barring order or protection order under the *Domestic Violence Act 2018*;",

(b) in section 119(1), by the substitution of the following paragraph for paragraph (d):

"(d) an order under the *Domestic Violence Act 2018*;",

and

(c) in section 139, in the definition of "civil partnership law proceedings", by the substitution of the following paragraph for paragraph (b):

"(b) under the *Domestic Violence Act 2018*, or".

Amendment of Schedule 3 to National Vetting Bureau (Children and Vulnerable Persons) Act 2012

52. Schedule 3 to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 is amended by the substitution of the following paragraph for paragraph 1:

"1. An offence under section 17 of the Domestic Violence Act 1996 or *section 33*, *38* or *39* of the *Domestic Violence Act 2018*.".

Amendment of section 61 of Animal Health and Welfare Act 2013

53. Section 61(1) of the Animal Health and Welfare Act 2013 is amended in paragraph (e) by the substitution of "an order has been made under the *Domestic Violence Act 2018* or an order has been made which is treated, in accordance with *section 41* of that Act, as if it had been made under that Act" for "an order has been made under the Domestic Violence Act 1996".

Amendment of section 2 of Assisted Decision-Making (Capacity) Act 2015

54. Section 2 of the Assisted Decision-Making (Capacity) Act 2015 is amended by the substitution in subsection (1) of the following definition for the definition of "safety or barring order":

" 'safety or barring order' means a safety order or barring order made under the Domestic Violence Act 1996 or under the *Domestic Violence Act 2018*;".

Amendment of section 3 of Mediation Act 2017

55. Section 3(1) of the Mediation Act 2017 is amended by the substitution of the following paragraph for paragraph (h):

"(h) proceedings under the *Domestic Violence Act 2018*;".

Amendment of section 2 of Criminal Justice (Victims of Crime) Act 2017

56. Section 2(1) of the Criminal Justice (Victims of Crime) Act 2017 is amended in the definition of "protection measure" by the substitution of the following paragraph for paragraph (c):

"(c) advice regarding safety orders, barring orders, interim barring orders, emergency barring orders and protection orders within the meaning of the *Domestic Violence Act 2018*;".

Number 6 *of* 2018

DOMESTIC VIOLENCE ACT 2018

REVISED

Updated to 2 September 2024

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.