



HIGH COURT (DOMESTIC ABUSE PROTECTION ORDERS) RULES 2023

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Statutory Document No. 2023/0041



High Court Act 1991
Domestic Abuse Act 2020

HIGH COURT (DOMESTIC ABUSE PROTECTION ORDERS) RULES 2023

Laid before Tynwald:

Coming into Operation: in accordance with rule 2

The Deemsters make the following Rules under section 25 of the High Court Act 1991 and paragraph 7 of the Schedule to the Domestic Abuse Act 2020.

PART 1 - INTRODUCTORY

1 Title

These Rules are the High Court (Domestic Abuse Protection Orders) Rules 2023.

2 Commencement

These Rules come into operation on 20 January 2023.

3 Interpretation

(1) In these Rules —

“**the 2020 Act**” means the Domestic Abuse Act 2020;

“**the 2009 Rules**” means the Rules of the High Court of Justice 2009¹;

“**appeal**” means an appeal made to the appeal court under section 34 of the 2020 Act;

“**appeal court**” means the Staff of Government Division;

“**connected tenant**” means a person who is a tenant in common or joint tenant of —

(a) a respondent; or

(b) a person against whom the court makes a DAPO under section 17 of the 2020 Act;

¹ SD 352/09.

“**the court**” means the High Court;

“**court office**” means the division of the General Registry dealing with the business of the court;

“**court officer**” means an officer of the court (other than a judicial officer of the court);

“**DAPO**” means a domestic abuse protection order (see section 14(1) of the 2020 Act);

“**DAPO application**” means an application for a DAPO to the court under section 15(5) of the 2020 Act;

“**filing**” in relation to a document, means delivering it, by post or otherwise, to the court office, and “**file**” and “**filed**” are to be construed accordingly;

“**personally connected**” has the meaning given in section 5 of the 2020 Act;

“**prescribed fee**”, in relation to any matter, means the fee prescribed for that matter under section 81 of the Interpretation Act 2015;

“**relevant High Court Rules**” means the rules of court (apart from the 2009 Rules) governing the proceedings in which —

- (a) a DAPO application is made; or
- (b) the court makes a DAPO under section 17(2) or 17(6) of the 2020 Act;

“**respondent**” other than in Part 7 (appeals), means the person against whom a DAPO is sought by way of a DAPO application, not including a connected tenant; and

“**variation or discharge application**” means an application for the variation or discharge of a DAPO under Part 5 (variation and discharge of DAPOs).

- (2) Except where otherwise provided in these Rules, expressions in these Rules have the same meaning as in the 2009 Rules.

4 When these Rules apply

These Rules apply to proceedings relating to —

- (a) a DAPO application;
- (b) the making of a DAPO by the court without application under section 17(2) or 17(6) of the 2020 Act; and
- (c) an appeal.

5 Application of the 2009 Rules etc.

Subject to the 2020 Act, these Rules and any other enactment (including the relevant High Court Rules), the 2009 Rules apply with any necessary modifications in proceedings to which these Rules apply.

6 Forms

A reference in these Rules to an application or other document being made in the appropriate form is to its being made —

- (a) where there is a prescribed form for use in the particular circumstances, in that form;
- (b) otherwise, in writing.

7 Parties

Unless the court otherwise directs, the parties to the proceedings to which these Rules apply are —

- (a) in the case of a DAPO application, the parties to the proceedings in which the application is made and any connected tenant named in the application;
- (b) in the case of a DAPO made by the court without application under section 17(2) or 17(6) of the 2020 Act, the parties to the proceedings in which the DAPO is made and any connected tenant named, or to be named, in the DAPO;
- (c) in the case of an appeal, the parties to the proceedings in which the decision appealed against was made.

PART 2 – DAPO APPLICATIONS

8 Making a DAPO application with notice

- (1) A DAPO application may be made by an applicant filing with the court —
 - (a) the application in the appropriate form;
 - (b) the accompanying documentation required under this rule; and
 - (c) copies of the application and accompanying documentation for service on —
 - (i) the respondent; and
 - (ii) any connected tenant named in the application, if applicable.
- (2) A DAPO application must include the following particulars —
 - (a) the name and address of the applicant;
 - (b) the name and address of the respondent;
 - (c) the name and address of any connected tenant included in the application;
 - (d) a concise statement of the reasons for the application;

- (e) details of how the applicant and the respondent are personally connected for the purposes of the application;
 - (f) details of any requirement, prohibition or restriction the applicant seeks to be imposed on the respondent by a DAPO; and
 - (g) details of any prohibition under section 22(5)(a) or (d) of the 2020 Act that the applicant seeks to be imposed on a connected tenant by a DAPO.
- (3) Despite paragraph (2)(a), an applicant may expressly decline to reveal his or her address in the application and instead file notice of that address in the appropriate form.
 - (4) An address filed in accordance with paragraph (3) must not be revealed to any person except by order of the court.
 - (5) A DAPO application must be supported by a witness statement verified by a statement of truth.
 - (6) A DAPO application must be signed by the applicant or the applicant's advocate.
 - (7) A DAPO application must be accompanied by the prescribed fee.

9 Making a DAPO application without notice

- (1) A DAPO application may be made without notice by the applicant filing the application in the appropriate form.
- (2) A DAPO application made under this rule must —
 - (a) include the particulars specified in rule 8(2) (making a DAPO application with notice);
 - (b) include the reasons why the applicant considers that a DAPO should be made against the respondent without notice to the respondent;
 - (c) be supported by a witness statement verified by a statement of truth;
 - (d) be signed by the applicant or the applicant's advocate; and
 - (e) be accompanied by the prescribed fee.
- (3) For the purposes of paragraph (2)(a), rules 8(3) and (4) apply to an application made under this rule as they do to an application made under rule 8.

10 Court action on receipt of a DAPO application

- (1) On receipt of a DAPO application filed under rule 8 or 9 (making a DAPO application with or without notice) the court officer must, as soon as reasonably practicable —

- (a) fix a time, date and place for a hearing of the application, allowing sufficient time for the applicant to comply with the service requirements in rule 11 (service of a DAPO application);
 - (b) endorse the time, date and place fixed for the hearing on the copies of the application filed by the applicant; and
 - (c) immediately return the copies of the application and all accompanying documentation to the applicant.
- (2) In the case of an application made under rule 9 (making a DAPO application without notice), the court officer must fix a time, date and place for the hearing of the application and inform the applicant as soon as reasonably practicable.

11 Service of a DAPO application

- (1) On receipt of copies of a DAPO application returned to the applicant under rule 10(1)(c) (court action on receipt of a DAPO application), the applicant must serve –
- (a) a copy of the application, endorsed in accordance with rule 10(1)(b), together with any witness statement made in support; and
 - (b) all accompanying documentation,
- on the respondent and on any connected tenant named in the application at least 7 days before the date fixed for the hearing under rule 10(1)(a) or within such shorter period as the court may direct.
- (2) Where the applicant is acting in person, service under paragraph (1) may be effected by the Coroner.
- (3) The applicant must file a certificate of service for each person served after serving a DAPO application.
- (4) This rule does not apply to a DAPO application made without notice under rule 9 (making a DAPO application without notice).

12 Withdrawal of DAPO application

- (1) A DAPO application made without notice under rule 9 (making a DAPO application without notice) may be withdrawn by the applicant at any time before it is determined, by filing notice of withdrawal in the appropriate form.
- (2) A DAPO application may otherwise be withdrawn by the applicant at any time before it is served on any person by filing notice of withdrawal in the appropriate form.
- (3) A DAPO application that has been served on any person may be withdrawn at any time unless it has been made by or on the behalf of a person under 18 years old, in which case the application may only be

withdrawn with the leave of the court which may be given without a hearing if the court considers it appropriate to do so.

- (4) Where an application that has been withdrawn under paragraph (3) —
 - (a) without the leave of the court, the applicant must file and serve on the other parties a notice of withdrawal in the appropriate form;
 - (b) with the leave of the court, the applicant must serve on the other parties notice of withdrawal by leave of the court in the appropriate form.

13 Answering an application

- (1) A respondent and any connected tenant served with a DAPO application may file an answer to the application in the appropriate form at any time up to the day before the date of the hearing of the application.
- (2) Any answer filed under paragraph (1) must be served on the applicant at the same time that it is filed.
- (3) An answer may be supported by a witness statement verified by a statement of truth.
- (4) An answer must be verified by a statement of truth and signed by the respondent or connected tenant (as the case may be), or by the respondent's or connected tenant's advocate.

14 Amendment of a DAPO application or answer

- (1) A DAPO application or answer which has been filed and served may not be amended without leave of the court.
- (2) Leave of the court to amend a DAPO application or answer must be by a request in writing.
- (3) Any amended DAPO application or answer must be filed and served on the persons on whom it was served prior to amendment, within the time and in the manner that the court directs.

PART 3 –PROCEEDINGS AND EVIDENCE

15 DAPO proceedings

In relation to any proceedings in which a DAPO application is heard, or a DAPO is made, the court may make such directions as it thinks fit in order to ensure that it has all the information and evidence it requires to enable it to—

- (a) determine whether the conditions for making a DAPO specified in section 18 of the 2020 Act are satisfied; and
- (b) consider fully the matters to which it must have regard under sections 19 and 20 of the 2020 Act —

- (i) before making a DAPO; or
- (ii) before making a DAPO which contains a provision obliging a connected tenant to do, or to refrain from doing, something.

16 Documentary evidence

- (1) A party to proceedings in respect of a DAPO application made on notice must file and serve on the other parties any witness statement of the oral evidence on which the party filing and serving the witness statement intends to rely at the hearing of the application.
- (2) Where an applicant seeks a DAPO that imposes a requirement on a respondent or connected tenant to do something, the court may require the applicant to —
 - (a) identify the person who is to be responsible for supervising the respondent's or connected tenant's compliance; and
 - (b) file and serve evidence from that person about the suitability and enforceability of that requirement.
- (3) Where an applicant seeks a DAPO that would impose an electronic monitoring requirement, the court may require the applicant to —
 - (a) identify any person, other than the respondent, without whose co-operation it would be impracticable to secure the monitoring in question; and
 - (b) file and serve evidence of that person's consent.
- (4) A copy of any document or report on which a party intends to rely at the hearing of a DAPO application must be filed with the court at or by such time as the court directs or, in the absence of a direction, before the hearing of the application.
- (5) A party to proceedings in respect of a DAPO application made on notice must serve on the other parties copies of any documents or reports filed under paragraph (4).
- (6) Documentary evidence to be served under paragraph (5) must be served at or by such time as the court directs or, in the absence of a direction, before the hearing of the application.
- (7) At a hearing of a DAPO application, a party may not adduce or seek to rely on documentary evidence that the party has not filed and served in accordance with this rule without leave of the court.

PART 4 – ORDERS

17 Content of a DAPO

- (1) A DAPO must specify –
 - (a) the requirements imposed by, or in consequence of, the DAPO on the person against whom it is made;
 - (b) the requirements imposed on a connected tenant by, or in consequence of, the DAPO (if applicable);
 - (c) the name, address and position of the person responsible for supervising compliance with any requirement imposed;
 - (d) the name and rank of any police officer designated in the DAPO;
 - (e) where the DAPO imposes an electronic monitoring requirement –
 - (i) the name and address of the person responsible for the monitoring; and
 - (ii) the requirements imposed by section 24(6) of the 2020 Act on the person against whom the DAPO is made;
 - (f) the period for which the DAPO has effect and the period for which any specified requirement has effect (if different);
 - (g) the locality to which the DAPO, or a requirement imposed by it, is limited, if this is the case; and
 - (h) the notification requirements with which the person against whom the DAPO is made has to comply under sections 28 to 30 of the 2020 Act.
- (2) At the time when the DAPO is drawn up, the court officer must issue a copy of the DAPO endorsed with or incorporating a penal notice specifying the possible consequences of a failure to comply with the DAPO or for being otherwise in contempt of court in relation to the DAPO, for service on –
 - (a) the person against whom the DAPO is made; and
 - (b) any connected tenant named in the DAPO.

18 DAPO made without notice

- (1) This rule applies where the court makes a DAPO without notice of proceedings being given to the person against whom the DAPO is made.
- (2) The court must fix a time, date and place for a hearing, to be held as soon as just and convenient, at which the person against whom the DAPO is made may make representations about the DAPO.
- (3) The DAPO must contain –

- (a) the time, date and place for the hearing mentioned in paragraph (2); and
- (b) a statement that the person against whom it is made may make a variation or discharge application under Part 5 (variation and discharge of DAPOs).

19 Service of DAPO

- (1) Where a DAPO has been made on a DAPO application, the applicant must, as soon as reasonably practicable, serve on the respondent and any connected tenant named in the DAPO —
 - (a) a copy of the DAPO; and
 - (b) where the DAPO has been made without notice —
 - (i) a copy of the DAPO application together with any witness statement and other documents supporting it; and
 - (ii) a statement informing the recipient that the recipient may request from the court a copy of a recording of the hearing in connection with which the DAPO was made.
- (2) Where the applicant for a DAPO is acting in person, service under paragraph (1) may be effected by the Coroner.
- (3) Where the court has made a DAPO without application, the court must as soon as reasonably practicable serve a copy of the DAPO on the parties to the proceedings in which the DAPO is made.

20 Service of a DAPO on police and responsible persons

- (1) Where the court makes a DAPO (whether with an application or without an application), a copy of the DAPO must be delivered, as soon as reasonably practicable, to —
 - (a) the police officer designated in the DAPO;
 - (b) the Chief Constable;
 - (c) the person mentioned in rule 17(1)(c) and, where applicable, rule 17(1)(e)(i) (content of DAPO) named in the DAPO; and
 - (d) any other person that the court directs.
- (2) A copy of a DAPO delivered under paragraph (1) must be accompanied by a statement showing that the person against whom the DAPO is made and, where applicable, the connected tenant has been served with the DAPO or informed of its terms (whether by being present when the DAPO was made or otherwise).
- (3) The documentation referred to in paragraphs (1) and (2) must be delivered by —
 - (a) the Coroner, where the DAPO was served by the Coroner under rule 19(2) (service of DAPO);

- (b) the court, where the DAPO was served by the court under rule 19(3); or
- (c) the applicant, in any other case.

PART 5 – VARIATION AND DISCHARGE OF DAPOS

21 Application of this Part

This Part applies to the variation and discharge of a DAPO by the court under sections 32 and 33 of the 2020 Act.

22 Requests for leave to apply for discharge or variation of a DAPO

- (1) A person referred to in section 32(3)(e) of the 2020 Act may make a request to the court for leave to make a variation or discharge application by filing the request in the appropriate form, together with any supporting documentation.
- (2) A request for leave under this rule must –
 - (a) include the reasons why leave of the court is sought to make the variation or discharge application;
 - (b) include the name of any child on whose behalf the person is acting and if the person for whose protection the original DAPO was made or the person against whom the original DAPO was made has parental responsibility for that child; and
 - (c) be verified by a statement of truth.
- (3) A request for leave under this rule must be included in the variation or discharge application for the making of which leave is sought, which will proceed only if leave is granted.

23 Variation or discharge applications: application with notice

- (1) This rule applies to a variation or discharge application made with notice.
- (2) An application to which this rule applies may be made by a person specified in section 32(3) of the 2020 Act by the person filing –
 - (a) the application in the appropriate form;
 - (b) all accompanying documentation; and
 - (c) copies of the application and accompanying documentation for service on –
 - (i) each person on whom the DAPO was served under rule 19 (service of DAPO); and

- (ii) in the case of an application for variation of a DAPO, any connected tenant named in the application who was not served with the DAPO.
- (3) The application must be supported by a witness statement verified by a statement of truth.
- (4) Subject to paragraph (5), the application must be signed by the applicant or by the applicant's advocate.
- (5) An application made by a police officer must be signed by the police officer and must indicate the police officer's rank.
- (6) Rules 8(2), (3) and (4) apply with any necessary modifications to an application made under this rule as they apply to an application under rule 8.
- (7) An application to which this rule applies must be accompanied by the prescribed fee.
- (8) On receipt of an application made under this rule, the court officer must, as soon as reasonably practicable –
 - (a) fix a time, date and place for a hearing of the application, allowing sufficient time for the applicant to comply with the service requirements in rule 24(5) (service of variation or discharge application);
 - (b) endorse the time, date and place fixed for the hearing on the copies of the application filed; and
 - (c) immediately return the copies of the application and accompanying documentation to the applicant.

24 Variation of a DAPO: application without notice

- (1) An application to vary a DAPO without notice made under section 32(6) of the 2020 Act may be made by an applicant filing the application in the appropriate form.
- (2) Rules 8(2), (3) and (4) apply with any necessary modifications to an application made under this rule as they apply to an application under rule 8.
- (3) An application made under this rule must –
 - (a) include the reasons why the applicant considers that the DAPO should be varied without notice;
 - (b) be supported by a witness statement verified by a statement of truth;
 - (c) be signed by the applicant or the applicant's advocate; and
 - (d) be accompanied by the prescribed fee.

- (4) The applicant should file 3 additional copies of an application made under this rule.
- (5) On receipt of an application made under this rule, the court officer must as soon as reasonably practicable –
 - (a) fix a time, date and place for the hearing of the application;
 - (b) endorse the time, date and place fixed for the hearing on the copies of the application filed; and
 - (c) immediately return the copies of the application and accompanying documentation to the applicant.
- (6) The applicant must, as soon as reasonably practicable before the hearing, deliver –
 - (a) a copy of the application, endorsed in accordance with rule 24(5)(b); and
 - (b) all accompanying documentation,to the Chief Constable and any other person that the court directs.

25 Service of variation or discharge application with notice

- (1) On receipt of the copies of a variation or discharge application returned to the applicant under rule 23(8)(c) (variation or discharge applications: application with notice), the applicant must serve –
 - (a) a copy of the application, endorsed in accordance with rule 23(8)(b), together with any witness statement made in support; and
 - (b) all accompanying documentation,on each person required under rule 23(2)(c) to be served, at least 7 days before the date fixed for the hearing under rule 23(8)(a), or within such shorter period as the court may direct.
- (2) In a case where –
 - (a) the applicant for the variation or discharge application is the person for whose protection the original DAPO was made; and
 - (b) the applicant is acting in person,service under paragraph (1) may be effected by the Coroner.
- (3) The applicant must file a certificate of service for each person served after serving a variation or discharge application.
- (4) In addition, the applicant must, within the time specified in paragraph (1), deliver –
 - (a) a copy of the application endorsed in accordance with rule 23(8)(b); and
 - (b) all accompanying documentation,

to the Chief Constable and any other person that the court directs.

26 Answering a variation or discharge application

- (1) A party to the proceedings for the DAPO regarding which a variation or discharge application has been made who has been served with that application may file an answer to the application in the appropriate form at any time up to the day before the date of the hearing of the application.
- (2) An answer filed under paragraph (1) must be —
 - (a) served on the applicant and any other party served with the variation or discharge application under rule 25(1) (service of a variation or discharge application with notice) at the same time that it is filed; and
 - (b) delivered to the Chief Constable and any other person that the court directs as soon as reasonably practicable.
- (3) An answer may be supported by a witness statement verified by a statement of truth.
- (4) An answer must be verified by a statement of truth and signed by the party making the answer or that party's advocate.

27 Proceedings to vary or discharge a DAPO

- (1) Rules 14 (amendment of a DAPO application or answer) and 16 (documentary evidence) apply with any necessary modifications to proceedings in respect of a variation or discharge of a DAPO as they apply in respect of the making of a DAPO, and a reference in those rules to a “DAPO application” and an “answer” is to be read as to include a variation or discharge application and an answer to such an application.
- (2) Rules 15 (DAPO proceedings), 17 (content of a DAPO) and 18 (DAPO made without notice) apply with any necessary modifications to the variation of a DAPO as they apply to the making of a DAPO.
- (3) Subject to section 32(6) of the 2020 Act (power to vary a DAPO without notice), the court must not exercise its power to vary or discharge a DAPO, or refuse to do so, unless each party to the proceedings, a police officer of or above the rank of inspector and any other person directly affected —
 - (a) is present; or
 - (b) has had an opportunity —
 - (i) to attend; or
 - (ii) to make representations.

28 Service of an order made under this Part

- (1) Where a DAPO has been discharged or varied on an application under this Part, the applicant must, as soon as reasonably practicable, serve on the other parties to the application, any connected tenant named in the DAPO and any other person the court may direct —
 - (a) a copy of the order discharging or varying the DAPO (as the case may be); and
 - (b) where a DAPO has been varied without notice —
 - (i) a copy of the application to vary the DAPO, together with any witness statement and other supporting documentation; and
 - (ii) a statement informing the recipient that the recipient may request from the court a copy of a recording of the hearing in connection with which the DAPO was varied.
- (2) In a case where —
 - (a) the applicant for the variation or discharge application is the person for whose protection the original DAPO was made; and
 - (b) the applicant is acting in person,service under paragraph (1) may be effected by the Coroner.
- (3) Where the court has varied or discharged a DAPO without application, the court must as soon as reasonably practicable serve a copy of the order discharging or varying the DAPO (as the case may be) on the parties to the proceedings in which the DAPO is varied or discharged.
- (4) On the variation or discharge of a DAPO, the court officer must —
 - (a) immediately inform the persons who received a copy of the DAPO under rule 20(1) (service of a DAPO on police and responsible persons); and
 - (b) deliver a copy of the order varying or discharging the DAPO to any person so informed.

PART 6 – ENFORCEMENT

29 Interpretation of this Part

In this Part —

“**contempt application**” means an application to the court for an order of committal against a person for failure to comply with a DAPO or for being otherwise in contempt in relation to a DAPO;

“**relevant judge**” has the meaning given in section 27(2)(a) of the 2020 Act; and

“**section 27 application**” means an application under section 27(3) of the 2020 Act for the issue of a warrant for the arrest of a person for failure to comply with a DAPO or for being otherwise in contempt of court in relation to a DAPO.

30 Request for leave to make a section 27 application

- (1) A person seeking leave, under section 27(4)(c) of the 2020 Act, to make a section 27 application may make a request to the relevant judge for leave to make the application by filing the request in the appropriate form, together with any supporting documentation.
- (2) A request for leave under this rule must —
 - (a) specify the reasons why leave of the relevant judge is sought to make a section 27 application; and
 - (b) be verified by a statement of truth.
- (3) A request for leave under this rule must be included in the section 27 application for the making of which leave is sought, which will proceed only if leave is granted.

31 Section 27 application

- (1) A section 27 application must be made in the appropriate form and substantiated on oath.
- (2) A section 27 application must —
 - (a) include details of the reasons why the applicant considers that a person has failed to comply with the DAPO or is otherwise in contempt of court in relation to the DAPO; and
 - (b) enclose a copy of the DAPO.
- (3) Any warrant issued under a section 27 application must be delivered by the court officer to the Chief Constable.

32 Proceedings following arrest

- (1) If a person is brought before the court following the person’s arrest under a warrant issued by the court on a section 27 application, the court may —
 - (a) determine whether the facts, and the circumstances which led to the arrest —
 - (i) amounted to a failure to comply with the DAPO by the person; or
 - (ii) establish that the person is otherwise in contempt of court in relation to the DAPO; or
 - (b) adjourn the proceedings.

- (2) Where proceedings are adjourned and the arrested person is released —
 - (a) unless the court otherwise directs, the matter must be dealt with within 14 days beginning with the date of arrest; and
 - (b) the arrested person must be given not less than 2 days' notice of the adjourned hearing.

33 Bail applications

- (1) A person arrested under a warrant issued by the court on a section 27 application may make an application for bail either orally or in writing.
- (2) Where a bail application is made in writing, it must be filed with the court and must contain the following particulars —
 - (a) the full name of the person making the application;
 - (b) the address of the place where the person making the application is detained at the time when the application is made;
 - (c) the address of the place where the person making the application would reside if granted bail;
 - (d) the amount of the recognisance in which the person would agree to be bound;
 - (e) the grounds on which the application is made and, where a previous application has been refused, full particulars of any change in circumstances which has occurred since that refusal.
- (3) A bail application made in writing must be signed by —
 - (a) the person making the application; or
 - (b) a person authorised to sign the application on the person's behalf.
- (4) A bail application made in writing must be served by the person making it on —
 - (a) the person who made the section 27 application to which it relates; and
 - (b) any other person that the court directs.

34 Recognisances

- (1) Where, in accordance with paragraph 2(3)(b) of the Schedule to the 2020 Act, the court fixes the amount of any recognisance with a view to it being taken subsequently, the recognisance may be taken by —
 - (a) a judge of the court;
 - (b) the High Bailiff or a justice of the peace;
 - (c) a police officer of or above the rank of inspector; or
 - (d) the governor or keeper of a prison or place of detention where the arrested person is in custody.

- (2) The person having custody of an applicant for bail must release that applicant if satisfied that the required recognisances have been taken.

PART 7 – APPEALS

35 Nature of an appeal

An appeal is determined by the appeal court –

- (a) by way of a review of the decision of the court that is the subject of the appeal; and
- (b) by applying the same principles as would be applied in determining a petition of doléance.

36 Timing of an appeal

An appellant must file the appeal notice in relation to the appeal within 14 days of –

- (a) the decision appealed against, if present when it was made; or
- (b) otherwise, being served with the decision appealed against.

37 Service of appeal notice

- (1) An appellant must serve the appeal notice on the other parties to the proceedings in which the decision appealed against was made.
- (2) In addition, the appellant must deliver a copy of the appeal notice to –
 - (a) the Chief Constable; and
 - (b) any other person that the court directs.

38 Appeal proceedings

- (1) The court must not determine an appeal unless each party to the proceedings, a police officer of or above the rank of inspector and any other person directly affected –
 - (a) is present; or
 - (b) has had an opportunity –
 - (i) to attend; or
 - (ii) to make representations.

39 Appeal against the making of a DAPO by the Staff of Government Division under section 17(5)

Where the Staff of Government Division makes a DAPO under section 17(5) of the 2020 Act, an appeal against the making of that DAPO shall lie to the Staff of Government Division under section 34 of the 2020 Act.

PART 8 – GENERAL AND SUPPLEMENTARY

40 Service of documents

Subject to any contrary provision in these Rules, a document required to be served under these Rules is to be served in accordance with the relevant High Court Rules, where applicable, and otherwise in accordance with the 2009 Rules.

41 Amendment of the 2009 Rules

- (1) The 2009 Rules are amended as follows.
- (2) In rule 1.3(2) (application of rules) –
 - (a) for subparagraph (c), substitute –
 - 64(c) the Rules of the High Court (Family Proceedings) 2009; 65;
 - and
 - (b) after subparagraph (h), insert –
 - 64(i) the High Court (Domestic Abuse Protection Orders) Rules 2022. 65.
- (3) In rule 12.9A (execution for amount in foreign currency), for paragraph (2) substitute –
 - 64(2) The application for execution must include or be accompanied by a certificate signed by the advocate for the judgment creditor (or by the judgment creditor if acting in person) and stating –
 - (a) the rate at which that currency was offered for sale at the close of business on the last business day before the date of the application;
 - (b) the sterling equivalent of the amount of the judgment at that rate; and
 - (c) the source of such rate with appropriate evidence of the same. 65.
- (4) In rule 12.28A (arrestment for amount in foreign currency), for paragraph (1) substitute –
 - 64(1) An application for an arrestment order to enforce a judgment for an amount in a foreign currency must state –
 - (a) whether the bank account or other money owed by the third party to the judgment debtor is in that currency; and
 - (b) if so –
 - (i) the rate at which that currency was offered for sale at the close of business on the last business day before the date of the application; and

- (ii) the sterling equivalent of the amount of the judgment at that rate; and
 - (c) the source of such rate with appropriate evidence of the same. **22**.
- (5) In rule 12.29(3)(b) (interim arrestment order), for “rule 11.19” substitute **23** rule 11.20 **22**.

MADE 19 JANUARY 2023

A T K CORLETT

His Majesty’s First Deemster and Clerk of the Rolls

J A NEEDHAM

His Majesty’s Second Deemster

*EXPLANATORY NOTE**(This note is not part of the Rules)*

These Rules make provision for proceedings in the High Court relating to domestic abuse protection orders (“DAPO”).

Part 1 (rules 1 to 7) is introductory.

Part 2 (rules 8 to 14) deals with DAPO applications.

Part 3 (rules 15 and 16) deals with DAPO proceedings and documentary evidence.

Part 4 (rules 17 to 20) deals with orders and the service of a DAPO.

Part 5 (rules 21 to 28) deals with the variation or discharge of a DAPO.

Part 6 (rules 29 to 34) deals with enforcement.

Part 7 (rules 35 to 39) deals with appeals.

Part 8 (rules 40 and 41) deals with service of documents and contains amendments to the Rules of the High Court of Justice 2009.