

**THE PROTECTION FROM DOMESTIC VIOLENCE (AMENDMENT) (AMENDMENT)
BILL**
(No. XIX of 2011)

Explanatory Memorandum

The object of this Bill is to amend the Protection from Domestic Violence (Amendment) Act so as to insert therein new provisions to amend the Protection from Domestic Violence Act, in order to give to the Chief Justice the power to make rules for the purposes of the Protection from Domestic Violence Act, including rules for the hearing of applications for occupation and tenancy orders, and to provide for related matters.

S. BAPPOO, G.O.S.K.

*Minister of Gender Equality, Child Development
and Family Welfare*

08 July 2011

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
 2. Interpretation
 3. New section 2A inserted in principal Act
 4. New sections 4A and 4B inserted in principal Act
 5. New section 7A inserted in principal Act
 6. Section 8 of principal Act repealed and replaced
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A BILL

To amend the Protection from Domestic Violence (Amendment) Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Protection from Domestic Violence (Amendment) (Amendment) Act 2011.

2. Interpretation

In this Act –

“principal Act” means the Protection from Domestic Violence (Amendment) Act.

3. New section 2A inserted in principal Act

The principal Act is amended by inserting, after section 2, the following new section –

2A. Section 2 of principal Act amended

Section 2 of the principal Act is amended by inserting, in the proper alphabetical order, the following new definition –

“Permanent Secretary” means the Permanent Secretary of the Ministry responsible for the subject of family welfare, or any public officer designated by him to act on his behalf;

4. New sections 4A and 4B inserted in principal Act

The principal Act is amended by inserting, after section 4, the following new sections –

4A. Section 4 of principal Act amended

Section 4 of the principal Act is amended by repealing subsection (3) and replacing it by the following subsection –

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

4B. Section 5 of principal Act amended

Section 5 of the principal Act is amended by repealing subsection (3) and replacing it by the following subsection –

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

5. New section 7A inserted in principal Act

The principal Act is amended by inserting, after section 7, the following new section –

7A. New section 19 added to principal Act

The principal Act is amended by adding the following new section –

19. Rules

The Chief Justice may, after consultation with the Rules Committee set up under section 199 of the Courts Act and the Judges, make such rules as he thinks fit for the purposes of this Act.

6. Section 8 of principal Act repealed and replaced

Section 8 of the principal Act is repealed and replaced by the following section –

8. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.
