

## Caribbean Community (CARICOM) Secretariat

**Back to model legislation on women issues**

### CARICOM MODEL LEGISLATION ON DOMESTIC VIOLENCE

#### **Explanatory memorandum on Model Legislation on DOMESTIC VIOLENCE**

The draft model relating to Domestic Violence is based generally on similar legislation in New Zealand. The model is prepared on the basis that there is a perceived need for legislation dealing exclusively with the matter of domestic violence and to provide remedies which are intended to mitigate the effects of domestic violence.

#### **Long title**

The Long title sets out the scope and objects of the legislation to provide protection in cases involving domestic violence.

#### **Short title**

The Act is entitled the Family (Protection against Domestic Violence) Act.

#### **Clause 2**

"*Applicant*" is defined as person who applies for an order under the Act.

The definition of "*child*" includes a child who resides in a household on a regular basis and a child who is under the guardianship of a man or a woman.

"*De facto spouse*" means a person living with another person of the opposite sex although they are not legally married to each other.

"*Dependant*" is defined as an adult who normally resides or resides on a regular basis with another person.

"*Parent*" has been defined to include the parent or grand parent of a spouse and the parent or grandparent of a respondent either by consanguinity or affinity.

"*Prescribed person*" is defined as the spouse of the respondent or the parent, child or dependant of that person.

"*Spouse*" includes a former spouse, *de facto* spouse and former *de facto* spouse.

**Clause 3** describes the persons who are entitled to apply for an order (excluding a tenancy order). The wide category of persons includes a spouse, parent, guardian, a person experienced or qualified in social welfare, a police officer or a probation officer or medical social worker. Application for a tenancy order may be made by the respondent's spouse (or a parent or guardian of a child or dependant).

**Clause 4** makes provisions regarding a protection order.

**Subsection (1)** sets out the prohibitions which will apply to a respondent on the granting of a protection order. As the name suggests that order prohibits the type of actions which could endanger the applicant.

**Subsection (2)** sets out the factors which the Court will consider in determining whether to make a protection order and empowers the Court to attach a power of arrest to the order if the Court thinks fit.

**Subsection (3)** provides for the making of an *ex parte* (interim) order in cases where delay might threaten the personal safety of the applicant or cause serious injury or undue hardship.

**Subsection (4)** enables the respondent to apply for an immediate discharge of an *ex parte* order.

#### **Clause 5:**

**Subsection (1)** provides that a breach of a protection order constitutes a criminal offence with penalty on conviction of a fine or imprisonment or both.

**Subsection (2)** empowers a constable on reasonable cause, to arrest without warrant, a person suspected of being in breach of the order.

**Subsection (3)** limits the power of arrest to circumstances where the constable believes that the arrest is reasonably necessary for the protection of the applicant.

**Subsection (4)** provides for the factors which must be taken into account by the constable in deciding whether to make an arrest. These factors include the seriousness of the act constituting the alleged breach, the time lapse since it was committed, the restraining effect of other persons or circumstances on the respondent and the

need for a cooling-off period.

**Subsection (5)** makes provisions as to the right of the person arrested to make a telephone call and to be informed of that right.

**Clause 6** provides that the protection order ceases to be effective if the Court discharges it on the application of a party to the proceedings. The Court in determining whether to discharge the order, is obliged to have regard to the factors on which it based its decision to grant the order.

**Clause 7** provides for the making of occupation orders.

**Subsection (2)** provides that the order grants the applicant the right to occupy the household residence.

**Subsection (3)** empowers the Court to grant the order on being satisfied that it is necessary for the protection of a prescribed person or is in the best interests of a child

**Clause 8** provides for the making of an *ex parte* (interim) occupation order.

**Subsection (3)** empowers the court to make an interim protection order whenever it grants an *ex parte* occupation order unless the Court considers that special reasons would preclude the making of that protection order.

**Subsection 4** provides for the expiration of an *ex parte* occupation order on its discharge by the Court, or on the discharge of an interim protection order and in any other case, at the end of 7 days after the date on which it was made.

**Clause 9** provides that the occupation order entitles the prescribed person to which it relates the exclusive right to occupy the household residence.

**Clause 10** provides for the variation or discharge of an occupation order.

**Clause 11** provides for the making of a tenancy order in relation to a dwelling house where the respondent is the sole tenant or holds the tenancy jointly or in common with the applicant or where it is the household residence of the applicant or respondent.

**Subsection (2)** restricts the circumstances in which the order may be made, i.e. if and only if the Court is satisfied that it is necessary for the protection of the applicant or is in the best interests of a child or a dependant.

**Clause 12** provides that a tenancy order may be made on an *ex parte* application if the Court is satisfied that the respondent has used violence against or caused physical or mental injury to the applicant or dependant and delay would or might expose the applicant, child or dependant to physical injury.

**Subsection (3)** empowers the Court, where it makes an *ex parte* tenancy order to make at the same time, an interim protection order unless the Court considers that special reasons would preclude the making of that order.

**Subsection (4)** provides for the expiration of an *ex parte* tenancy order on discharge by the Court or on the discharge of an interim protection order or in any other case, at the end of 7 days after the date on which it was made.

**Subsection (5)** enables the respondent to apply for the immediate discharge or variation of a tenancy order.

**Clause 13** states the effect of the tenancy order whereby the applicant becomes the tenant of the dwelling house and subject to the current terms and conditions of the tenancy, the respondent ceases to be the tenant.

**Subsection (2)** provides for the enforcement of a tenancy order as if it were a Court order for possession of land.

**Subsection (3)** preserves the operation of law as regards the tenancy which is the subject of a tenancy order and prevents the variation (apart from the vesting or re-vesting of the tenancy) of any express or implied term or condition of the tenancy.

**Clause 14** empowers the court to re-vest the tenancy on the application of the applicant or respondent.

**Clause 15** sets out the procedure relating to occupation orders and tenancy orders.

**Subsection (1)** requires the Court, before making any such orders, to direct that notice be given to any person having an interest in property to be affected by the order.

**Subsection (2)** entitles that person to appear and be heard in the matter of the application for the order.

**Subsections (3) and (4)** empower the court to treat an application for an occupation order as an application for a tenancy order or both or vice versa and make a tenancy order if it is satisfied as to -

(a) its jurisdiction to make the tenancy order and the appropriateness of such order

(b) compliance with subsection (1) as to the making of that order.

**Clause 16** empowers the Court, on or after making an occupation order or tenancy order, to make ancillary orders concerning furniture, granting the applicant the use of furniture, household appliances and household effects in the residence or premises affected by the order.

**Subsection (2)** limits the duration of the ancillary order to three months beginning on the date on which it is made but the Court may direct otherwise. In any event the ancillary order must expire on the expiration or discharge of the relevant occupation order.

#### **Clause 17**

**Subsection (1)** contains requirements as to interim orders, regarding specification of a date of hearing of the order to be made in substitution for the interim order.

**Subsection (2)** requires that the copy of the interim order served on the respondent shall notify the respondent that the interim order may be discharged and an order made in substitution unless the respondent attends to show cause why an order should not be made in substitution.

**Clause 18** relates to conduct of proceedings under the Act.

**Subsection (1)** limits the categories of person who may be present in court to court officers, parties to the proceedings, witnesses and any other person permitted by the Judge to be present.

**Subsection (3)** empowers the Court to hold *in camera* hearings or to exclude any person.

**Clause 19** provides for the Court to determine the evidence it will receive.

**Clause 20** sets the standard of proof on a balance of probabilities.

**Clause 21** restricts the publication of reports of proceedings and makes it an offence to contravene the provision.

**Subsection (4)** sets out the exceptions to the general restrictions on publication.

**Clause 22** empowers the court to make orders by consent of all parties.

**Clause 23** provides for the Court to recommend counselling of either or both parties to the proceedings.

**Clause 24** gives an aggrieved party a right of appeal to the Court of Appeal.

**Clause 25** provides for protection of a mortgagee in respect of any property in relation to which rights are conferred on an other person under the Act.

**Clause 26** provides for the making of rules of court as to practice and procedure in proceedings under the Act.

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## THE FAMILY (PROTECTION AGAINST DOMESTIC VIOLENCE ACT

### ARRANGEMENT OF SECTIONS

1. Short title

#### PRELIMINARY

2. Interpretation
3. Persons entitled to apply under this Act
4. Application for protection order
5. Breach of protection order
6. Duration and discharge of protection order

#### OCCUPATION ORDER

7. Application for a grant of occupation order
8. *Ex parte* application for occupation order
9. Effect of occupation order
10. Variation or discharge of protection order

#### TENANCY ORDERS

11. Tenancy order
12. Grant of tenancy order on an *ex parte* application
13. Effect of tenancy order
14. Power to discharge tenancy order and revest tenancy.

PROVISION RELATING TO OCCUPATION ORDERS AND TENANCY ORDERS

15. Procedure relating to occupation orders and tenancy orders
16. Power of Court to make ancillary order re furniture
17. Interim orders

GENERAL

18. Conduct of proceedings
19. Evidence
20. Standard of proof
21. Restriction of publication of reports of proceedings
22. Orders by consent
23. Counselling
24. Appeals
25. Protection of mortgagee
26. Rules of Court

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**MODEL LEGISLATION ON DOMESTIC VIOLENCE**

**AN ACT** to provide protection in cases involving domestic violence and for matters connected therewith.

BE IT ENACTED etc.

**Short title**

1. This Act may be cited as the Family (Protection against Domestic Violence) Act.

**PRELIMINARY**

**Interpretation**

2. In this Act -

"*applicant*" means any person who applies or on whose behalf application is made, pursuant to this Act, for an order;

"*child*" means -

(a) a child of both parties to a marriage;

(b) a child (whether or not a child of either party to a marriage) who is or has been living in the household residence as a member of the family;

(c) a child of a man and a woman who, although not married to each other are or have lived together in the same household;

(d) a child (whether or not a child of the man and woman referred to in paragraph (c) or either of them) who -

(i) is or has been a member of their household; or

(ii) who resides in that household on a regular basis; or

(iii) of whom either the man or woman is a guardian;

"*court*" means a court of summary jurisdiction;

"*de facto spouse*" in relation to a person, means a person of the opposite sex to the first-mentioned person, who is living with the first-mentioned person as the person's husband or wife although not legally married to the first-mentioned person;

"*dependant*" in relation to a person includes -

(a) a person over the age of eighteen years; and

(b) who normally resides or resides on a regular basis with the first-mentioned person;

"*ex parte application*" means an application made without notice to the respondent;

"*household residence*" means -

(a) in relation to both spouses, the dwelling house that is used [habitually] by both parties or either of them as the only or principal family residence together with any land, buildings or improvements appurtenant thereto and wholly or mainly used for the purposes of the household;

(b) in relation to a man or a woman who are no longer spouses, the dwelling house that was last used [habitually] by either of them, before or after they ceased to be spouses, as the only or principal family residence, together with any land, buildings, or improvements appurtenant thereto and used wholly or mainly for the purposes of the household;

"*occupation order*" means an order made under section 7 and includes an interim order made under that section;

"*parent*" means -

- (a) the parent or grandparent of a spouse;
- (b) the parent or grandparent of a respondent, either by consanguinity or affinity;

"*prescribed person*" means the spouse of the respondent, a parent or a child or dependant of that person;

"*spouse*" includes a former spouse, *de facto spouse* and former *de facto spouse*;

"*protection order*" means an order made under section 4 includes an interim order made under that section;

"*respondent*" means a person against whom an order is granted pursuant to this Act;

"*tenancy order*" means an order made under section 11 and includes an interim order made under that section;

"*tenant*", in relation to any dwelling house, includes any person -

- (a) whose tenancy has expired or has been determined; and
- (b) who is for the time being deemed under or by virtue of any enactment or rule of law to continue to be the tenant of the dwelling house, and the term "tenancy" has a corresponding meaning.

### **Persons entitled to apply under this Act**

3. (1) An application for an order other than a tenancy order under this Act may be made by -

(a) the spouse of the respondent being the spouse in respect of who the alleged conduct has been, or is likely to be engaged in by the respondent;

(b) where the alleged conduct involves a child or dependant -

- (i) a person with whom the child or dependant normally resides or resides on a regular basis; or
- (ii) a parent or guardian of the child or dependant;
- (iii) where the dependant is not mentally disabled, the dependant; or
- (iv) a person experienced or qualified in social welfare approved by the Minister in writing; or
- (v) a police officer; or
- (vi) a person holding the office or performing the duties of a probation officer or medical social worker.

(2) An application for a tenancy order may be made by the respondent's spouse as mentioned in subsection (1)(a) [or a parent or guardian of a child or a dependant].

### **Application for protection order**

4. (1) Application may be made to the court in accordance with this Act for a protection order prohibiting the respondent -

- (a) from entering or remaining in the household residence of any prescribed person;
- (b) from entering or remaining in any area specified in the order, being an area in which the household residence of a prescribed person is located;
- (c) from entering the place of work or education of any prescribed person;

(d) from entering or remaining in any place where a prescribed person happens to be;

(e) from molesting a prescribed person by -

(i) watching or besetting the prescribed person's household residence, place of work or education;

(ii) following or waylaying the prescribed person in any place;

(iii) making persistent telephone calls to a prescribed person; or

(iv) using abusive language to or behaving towards a prescribed person in any other manner which is of such nature and degree as to cause annoyance to, or result in ill-treatment of the prescribed person.

(2) On hearing an application under subsection (1) the court may make a protection order if it is satisfied that -

(a) the respondent has used or threatened to use, violence against, or caused physical or mental injury to a prescribed person and is likely to do so again; or

(b) having regard to all the circumstances, the order is necessary for the protection of a prescribed person, and the court may, if it thinks fit, attach a power of arrest to the order.

(3) A protection order may be made on an *ex parte* application if the court is satisfied that the delay that would be caused by proceeding on notice would or might entail -

(a) risk to the personal safety of a prescribed person; or

(b) serious injury or undue hardship, and any protection order made on an *ex parte* application shall be an interim order.

(4) Where a protection order is granted on an *ex parte* application, the respondent may apply immediately for it to be discharged.

#### **Breach of protection order**

5. (1) Where a protection order or an interim protection order is made and -

(a) it is served personally on the respondent; and

(b) the respondent contravenes the order in any respect, the respondent is guilty of an offence and is liable on conviction to a fine not exceeding [five thousand] dollars or to imprisonment for a term not exceeding [six] months or both.

(2) Subject to the provisions of this section, where a protection order is in force, a constable may arrest without warrant a person whom he has reasonable cause to suspect of having committed a breach of the order.

(3) No person shall be arrested under this section unless the constable believes that the arrest of that person is reasonably necessary for the protection of the applicant.

(4) For the purposes of subsection (2), the constable shall take into account -

(a) the seriousness of the act which constituted the alleged breach;

(b) the time that has elapsed since the alleged breach was committed;

(c) the restraining effect of other persons or circumstances on the respondent;

(d) the need for a cooling-off period.

(5) Where an arrest is made under this section -

(a) the person arrested shall be entitled to make a telephone call to one person of his choice, other than the applicant or a prescribed person;

(b) it shall be the duty of the constable who makes the arrest to ensure that the person arrested is informed, as soon as practicable after the arrest, of the right conferred by paragraph (a).

#### **Duration and discharge of protection order**

6. (1) A protection order shall cease to have effect if a party to the proceedings in which the order was made applies to the court for it to be discharged.

(2) A copy of an application under subsection (1) shall be served personally on each person who was a party to the proceedings in which the original order was made.

(3) In determining whether to discharge a protection order the court shall have regard to the matters referred to in section 4(2).

## **OCCUPATION ORDERS**

### **Application for a grant of occupation order**

7. (1) Application may be made to the Court for an occupation order granting the prescribed person named in the order the right to live in the household residence.

(2) Subject to section 15 and subsection (3) of this section, the Court may, on an application under subsection (1), make an occupation order granting to the applicant, for such period or periods and on such terms and subject to such conditions as the Court thinks fit, the right to occupy the household residence or any other premises forming part of the household residence.

(3) The Court may make an order under subsection (2) only if the Court is satisfied that such an order -

(a) is necessary for the protection of a prescribed person; or

(b) is in the best interests of a child.

### **Ex parte application for occupation order**

8. (1) An occupation order may be made on an *ex parte* application if the Court is satisfied that -

(a) the respondent has used violence against or caused physical or mental injury to a prescribed person; and

(b) the delay that would be caused by proceeding on notice could or might expose the prescribed person to physical injury.

(2) Any occupation order made on an *ex parte* application shall be an interim order.

(3) Where the Court grants an occupation order on an *ex parte* application, the Court shall at the same time make an interim protection order unless it considers that there are special reasons why such an order should not be made.

(4) An occupation order which is made on an *ex parte* application while the prescribed person concerned and the respondent are living together in the same household residence shall expire -

(a) on the discharge of the order by the Court;

(b) on the discharge of an interim protection order made pursuant to subsection (3);

(c) in any other case, at the expiration of a period of seven days after the date on which the occupation order was made.

(5) Where an occupation order is made on an *ex parte* application, the respondent may apply immediately for variation or discharge of that order.

### **Effect of occupation order**

9. Where an occupation order is made the prescribed person to which it relates shall be entitled, to the exclusion of the respondent, personally to occupy the household residence to which that order relates.

### **Variation or discharge of occupation order**

10. The Court may if it thinks fit on the application of either party, make an order -

(a) extending or reducing any period specified by the Court pursuant to subsection (2) of section 7; or

(b) varying or discharging any terms and conditions imposed by the Court pursuant to that subsection.

## TENANCY ORDERS

### Tenancy order

11. (1) An application may be made in accordance with this Act to the Court for an order vesting in the applicant, the tenancy of any dwelling house which, at the time of the making of the order -

(a) the respondent is either the sole tenant or a tenant holding jointly or in common with the applicant; and

(b) is the household residence of the applicant or the respondent.

(2) Subject to section 15, the Court may make an order on an application under subsection (1) if and only if the Court is satisfied that such an order -

(a) is necessary for the protection of the applicant; or

(b) is in the best interests of a child or a dependant.

### Grant of tenancy order on an *ex parte* application

12. (1) A tenancy order may be made on an *ex parte* application if the Court is satisfied that -

(a) the respondent has used violence against or caused physical or mental injury to the applicant or dependant; and

(b) the delay that would be caused by proceeding on notice would or might expose the applicant, child or dependant, as the case may be, to physical injury.

(2) Any tenancy order made on an *ex parte* application shall be an interim order.

(3) Where the Court makes a tenancy order on an *ex parte* application the Court shall, at the same time, make an interim protection order unless the Court considers that there are special reasons why such an order should not be made.

(4) A tenancy order which is made on an *ex parte* application while the applicant and the respondent are living together in the same household shall expire -

(a) on the discharge of the order by the Court;

(b) on the discharge of an interim protection order made under subsection (3);

(c) in any other case, at the expiration of a period of seven days after the date on which the order was made.

(5) Where a tenancy order is made on an *ex parte* application the respondent may apply immediately for variation or discharge of that order.

### Effect of tenancy order

13. (1) Where a tenancy order is made the applicant shall, unless the tenancy is sooner determined, become the tenant of the dwelling house upon and subject to the terms and conditions of the tenancy in force at the time of the making of that order, and the respondent shall cease to be the tenant.

(2) Every tenancy order shall have effect and may be enforced as if it were an order of the Court for possession of the land granted in favour of the applicant.

(3) nothing in this Act or in any tenancy order -

(a) limits or affects the operation of any enactment or rule of law for the time being applicable to any tenancy to which a tenancy order applies, or to the dwelling house held under the tenancy; or

(b) authorises the Court to vary, except by vesting the tenancy pursuant to this section or re-vesting the tenancy pursuant to section 15, any express or implied term or condition of the tenancy.

### Power to discharge tenancy order and re-vest tenancy

14. (1) The Court may, if it thinks fit on the application of -



(a) the applicant or respondent; or

(b) the personal representative of either party, make an order (in this section referred to as a "revesting order") revesting the tenancy accordingly.

(2) Where a revesting order is made under subsection (1), the person in whose favour it is made shall, unless the tenancy is sooner lawfully determined, become the tenant of the dwelling house upon and subject to the terms and conditions of the tenancy in force immediately before the date on which the revesting order was made.

## **PROVISIONS RELATING TO OCCUPATION ORDERS AND TENANCY ORDERS**

### **Procedure relating to occupation order and tenancy orders**

15. (1) Before making any occupation order (other than an interim occupation order) or any tenancy order (other than an interim tenancy order) the Court shall direct that notice be given to any person having an interest in the property which would be affected by the order.

(2) The person referred to in subsection (1) shall, upon being notified pursuant to that subsection, be entitled to appear and to be heard in the matter of the application for the occupation order or tenancy order as a party to that application.

(3) Where an application is made for an occupation order, the Court may treat that application as an application for a tenancy order or an occupation order or both and may make a tenancy order (whether or not it makes an occupation order) if it is satisfied that -

(a) it has jurisdiction to make the tenancy order and that the making of such an order is appropriate; and

(b) subsection (1) has been complied with in respect of the making of a tenancy order.

(4) Where an application is made for a tenancy order, the Court may treat that application as an application for an occupation order or a tenancy order or both and may make an occupation order (whether or not it makes a tenancy order) if it is satisfied that -

(a) it has jurisdiction to make an occupation order and that the making of such an order is appropriate; and

(b) subsection (1) has been complied with in respect of the making of an occupation order.

### **Power of Court to make ancillary order re: furniture**

16. (1) On or after making an occupation order or a tenancy order, the Court may, subject to subsection (2) make an order granting to the applicant the use, for such period and on such terms and subject to such conditions as the Court thinks fit, of all or any of -

(a) the furniture;

(b) household appliances; and

(c) household effects, in the household residence or other premises to which the occupation order relates or in the dwelling house to which the tenancy order relates.

(2) Notwithstanding subsection (1), an order made under that subsection shall continue in force for a period of three months beginning on the date on which the order is made, unless the Court otherwise directs, but, in any event, shall expire if the occupation order made in relation to the household residence or other premises or the tenancy order made in relation to the dwelling house expires or is discharged.

### **Interim orders**

17. (1) Every interim order made under this Act on an *ex parte* application shall specify a date (which shall be as soon as reasonably practicable thereafter) for a hearing on whether an order should be made in substitution for the interim order.

(2) The copy of any such interim order which is served on the respondent shall notify the respondent that unless the respondent attends on the specified date to show cause why an order should not be made in substitution for the interim order, the Court may discharge the interim order and make an order in substitution therefor.

(3) At the hearing referred to in subsection (1) the Court may -

- (a) discharge the interim order; or
- (b) discharge the interim order and make an order in substitution therefor; or
- (c) on good cause being shown, adjourn the hearing to such date and place as the Court may specify.

(4) Where a hearing is adjourned under subsection(3)(c) the Court shall, at the adjourned hearing, exercise either the power conferred by paragraph (a) or by paragraph (b) of that subsection.

(5) In this section -

"*interim order*" means an interim protection order, an interim occupation order or an interim tenancy order, as the case may be;

"*order*" means a protection order, an occupation order or a tenancy order, as the case may be, not being or an interim order.

## **GENERAL**

### **Conduct of proceedings**

18. (1) No person shall be present during the hearing of any proceedings under this Act (other than criminal proceedings) except -

- (a) officers of the Court;
- (b) parties to the proceedings and their counsel;
- (c) witnesses;
- (d) any other person permitted by the Judge to be present.

(2) Any witness shall leave the courtroom if asked to do so by the Judge.

(3) Nothing in this section shall limit any other power of the Court to hear proceedings *in camera* or to exclude any person from the Court.

### **Evidence**

19. In any proceedings under this Act (other than criminal proceedings) including proceedings by way of appeal, the Court may receive such evidence as it thinks fit whether it is otherwise admissible in a Court of law or not.

### **Standard of proof**

20. Every question of fact arising in any proceedings under this Act (other than criminal proceedings) shall be decided on a balance of probabilities.

### **Restriction of publication of reports of proceedings**

21. (1) Subject to subsection (4), no person shall publish any report of proceedings under this Act (other than criminal proceedings) except with the leave of the Court which heard the proceedings.

(2) Every person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

(3) Nothing in this section limits -

- (a) the provisions of any other enactment relating to the prohibition or regulation of the publication of reports or particulars relating to judicial proceedings; or
- (b) the power of the Court to punish any contempt of Court.

(4) This section shall not apply to the publication of any report in any publication that -

- (a) is of a *bona fide* professional or technical nature; or
- (b) is intended for circulation among members of the legal or medical professions, officers of the Public Service, psychologists, marriage counsellors or social welfare workers.

### **Orders by consent**

22. In any proceedings under this Act a Court may make any order by the consent of all the parties to such proceedings.

### **Counselling**

23. The Court may, on making an order under this Act, recommend either or both parties to participate in counselling of such nature as the Court may specify.

### **Appeals**

24. (1) Any person aggrieved by -

(a) the making of an order by the Court;

(b) the refusal of the Court to make an order, may, within (twenty-eight) days after the decision of the Court, appeal to the Court of Appeal.

(2) Except where the Court which makes an order under this Act otherwise directs, the operation of such order shall not be suspended by virtue of an appeal under this section, and every such injunction or other order may be enforced in the same manner and in all respects as if no appeal under this section were pending.

### **Protection of mortgagee**

25. (1) The rights conferred on any person in respect of any property by an order made under this Act shall be subject to the rights of any other person entitled to the benefit of any mortgage, security, charge or encumbrance affecting the property if such mortgage, security, charge or encumbrance was registered before the order was registered or if the rights of that other person entitled to that benefit arise under an instrument executed before the date of the making of the order.

(2) Notwithstanding anything in any enactment or in any instrument, no money payable under any such mortgage, security, charge or encumbrance shall be called up or become due by reason of the making of an order under this Act.

### **Rules of Court**

26. Rules of Court may be made for the purpose of regulating the practice and procedure of the Court in proceedings under this Act providing for such matters as are necessary for giving full effect to the provisions of this Act and for the due administration thereof.

**Top**