

# **DOMESTIC ABUSE ORDINANCE, 2025**

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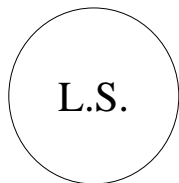
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**ASCENSION**

**NO 2 OF 2025**

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**AN ORDINANCE**

**To make provision for protection orders to safeguard persons in domestic relationships and relevant children from domestic abuse; and for connected and incidental matters.**

**PART I  
PRELIMINARY**

**Short title and commencement**

**1.** This Ordinance may be cited as the Domestic Abuse Ordinance, 2025 and comes into force on 1 March 2025.

**Interpretation**

**2. (1)** Any reference in this Ordinance to a person as P, C or A refers to the person as specified in section 5(2).

**(2)** In this Ordinance—

**“Ascension Island Safeguarding Board”** means the Board as defined in section 19 of the Child Welfare Ordinance 2011;

**“court”** means the Magistrates’ Court and the Supreme Court;

**“domestic relationship”** means a relationship between two persons in any of the following ways—

- (a) they are or were married to each other, including marriage according to any law, custom or religion;

- (b) they have had parental responsibility for a relevant child, or have had a residence order or guardianship order under the Child Welfare Ordinance 2011 or Welfare of Children Ordinance 2008 with respect to a relevant child, whether or not at the same time;
- (c) they are relatives;
- (d) they are or were in an engagement or dating relationship which includes an actual or perceived (by one or both) romantic, intimate or sexual relationship of any duration;
- (e) they share or shared the same household or residence other than merely by reason of one of them being the other's employee, tenant, lodger or boarder;

**“domestic abuse”** means any controlling or abusive behaviour that harms the health, safety or well-being of a person or any relevant child in the care of the person and includes—

- (a) physical abuse,
- (b) sexual abuse,
- (c) emotional, verbal or psychological abuse,
- (d) economic abuse,
- (e) intimidation,
- (f) harassment,
- (g) stalking,
- (h) damage to property,
- (i) entry into the person's residence without consent, where the parties to the domestic relationship do not share the same residence,
- (j) unlawful detainment,
- (k) threats to commit any of the above,
- (l) exhibiting controlling or coercive behaviour, and
- (m) encouraging, causing or inciting another person to commit any of the above;

**“economic abuse”**

means any behaviour that has a substantial adverse effect on a person's ability to—

- (a) acquire, use or maintain money or other property, or
- (b) obtain goods or services.;

**“emotional, verbal and psychological abuse”** means degrading or humiliating conduct and includes—

- (a) repeated insults, ridicule or name calling,
- (b) repeated threats to cause emotional pain,
- (c) repeated exhibition of obsessive possessiveness, or jealousy which is such as to constitute serious invasion of a person's privacy, liberty, integrity or security, or
- (d) threatened or actual publication of material of a sexual nature with the intention to cause embarrassment or distress.

**“family proceedings”** means any matter heard by the court under the Child Welfare Ordinance 2011, the Welfare of Children Ordinance 2008, or under the court's inherent jurisdiction;

**“harassment”** means engaging in a course of conduct that occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person such as where such conduct induces the fear of harm or causes the person alarm or distress and includes—

- (a) watching or loitering outside of or near the building or place where a person resides, works or carries on a business, studies or happens to be,
- (b) repeatedly making telephone calls, whether or not a conversation ensues,
- (c) repeatedly sending electronic mail or text messages,
- (d) repeatedly sending, delivering or causing the delivery of letters, packages, facsimiles or other objects to a person’s home or place of work, or
- (e) repeatedly posting material on social media;

**“interim monetary relief”** means compensation for monetary losses suffered or expenses that will be incurred by P or C as a result of domestic abuse, and includes—

- (a) loss of earnings,
- (b) medical and dental expenses,
- (c) moving and accommodation expenses,
- (d) legal expenses,
- (e) interim expenses, or
- (f) maintaining P and any relevant children.

**“intimidation”** means uttering, conveying or causing any person to receive a threat which induces fear;

**“molest”** means causing or being likely to cause distress or harassment as a consequence of deliberate conduct;

**“parental responsibility”** has the meaning assigned in the Child Welfare Ordinance 2011;

**“relative”** in relation to a person means—

- (a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person’s spouse or former spouse, and
- (b) the brother, sister, uncle, aunt, niece, nephew, first cousin (whether of the full blood or of the half-blood) of that person or of that person’s spouse or former spouse;

**“relevant child”** means—

- (a) a person under the age of 18 who ordinarily or periodically resides with either party to the domestic relationship, whether or not the child is a child of the person to whom the application relates and the respondent, or either of them, and
- (b) any other child whose interests the court considers relevant;

**“respondent”** means a person who is or has been in a domestic relationship with the person to whom the application for a protection order relates;

**“serve”** or **“service”** in relation to any document means personal delivery of the document to the person;

“**sexual abuse**” means any sexual conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of a person;

“**shared household**” means a household where P and the respondent live or lived together in a domestic relationship;

“**stalking**” means repeatedly following, pursuing or accosting a person directly or via electronic or other means.

## **PART II DOMESTIC VIOLENCE PROTECTION NOTICES**

### **Power to issue a domestic violence protection notice**

**3.** (1) A member of a police force not below the rank of Inspector (“the authorising officer”) may issue a domestic violence protection notice (“a DVPN”) under this section.

(2) A DVPN may be issued to a person (“X”) aged 18 years or over if the authorising officer has reasonable grounds for believing that—

- (a) X has been violent towards, or has threatened violence towards, an associated person, and
- (b) the issue of the DVPN is necessary to protect that person from violence or a threat of violence by X.

(3) Before issuing a DVPN, the authorising officer must, in particular, consider—

- (a) the welfare of any person under the age of 18 whose interests the officer considers relevant to the issuing of the DVPN (whether or not that person is an associated person),
- (b) the opinion of the person for whose protection the DVPN would be issued as to the issuing of the DVPN,
- (c) any representations made by X as to the issuing of the DVPN, and
- (d) in the case of provision included by virtue of subsection (8), the opinion of any other associated person who lives in the premises to which the provision would relate.

(4) The authorising officer must take reasonable steps to discover the opinions mentioned in subsection (3).

(5) But the authorising officer may issue a DVPN in circumstances where the person for whose protection it is issued does not consent to the issuing of the DVPN.

(6) A DVPN must contain provision to prohibit X from molesting the person for whose protection it is issued.

(7) Provision required to be included by virtue of subsection (6) may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(8) If X lives in premises which are also lived in by a person for whose protection the DVPN is issued, the DVPN may also contain provision—

- (a) to prohibit X from evicting or excluding from the premises the person for whose protection the DVPN is issued,
- (b) to prohibit X from entering the premises,
- (c) to require X to leave the premises, or
- (d) to prohibit X from coming within such distance of the premises as may be specified in the DVPN.

(9) An “associated person” means a person who is in a domestic relationship with X.

(10) Subsection (11) applies where a DVPN includes provision in relation to premises by virtue of subsection (8)(b) or (8)(c) and the authorising officer believes that—

- (a) X is a person subject to service law in accordance with sections 367 to 369 of the Armed Forces Act 2006, and
- (b) the premises fall within paragraph (a) of the definition of “service living accommodation” in section 96(1) of that Act.

(11) The authorising officer must make reasonable efforts to inform X’s commanding officer (within the meaning of section 360 of the Armed Forces Act 2006) of the issuing of the notice.

### **Contents and service of a domestic violence protection notice**

4. (1) A DVPN must state—

- (a) the grounds on which it has been issued,
- (b) that a constable may arrest X without warrant if the constable has reasonable grounds for believing that P is in breach of the DVPN,
- (c) that an application for a domestic violence protection order under section 5 will be heard within 72 hours of the time of service of the DVPN and a notice of the hearing will be given to X,
- (d) that the DVPN continues in effect until that application has been determined, and
- (e) the provision that a magistrates’ court may include in a domestic violence protection order.

(2) A DVPN must be in writing and must be served on X personally by a constable.

(3) On serving X with a DVPN, the constable must ask X for an address for the purposes of being given the notice of the hearing of the application for the domestic violence protection order.

### **Breach of a domestic violence protection notice**

5. (1) A person arrested by virtue of section 4(1)(b) for a breach of a DVPN must be held in custody and brought before the magistrates’ court which will hear the application for the protection order under section 5—

- (a) before the end of the period of 24 hours beginning with the time of the arrest, or
- (b) if earlier, at the hearing of that application.

(2) If the person is brought before the court by virtue of subsection (1)(a), the court may remand the person.

(3) In calculating when the period of 24 hours mentioned in subsection (1)(a) ends, Christmas Day, Good Friday, any Sunday and any day which is a public holiday in Ascension under the Public Holidays Ordinance 1945 are to be disregarded.

### **PART III PROTECTION ORDERS**

#### **Application for protection order**

6. (1) The court may, on application by a person referred to in subsection (2), make a protection order if the court is satisfied that the respondent has committed, or is likely to commit, an act of domestic abuse against a person who is or was in a domestic relationship with the respondent or a relevant child.

- (2) An application for an order under subsection (1) may be made by—
  - (a) a person (P) to whom the application relates; or
  - (b) another person (A), including—
    - (i) a police officer,
    - (ii) a social worker,
    - (iii) with the permission of the court, any other person who has a material interest in the well-being of P or a relevant child (C) who makes the application on behalf of P or C, or
    - (iv) with the permission of the court, a person with whom C normally resides or resided on a regular basis, or any other relative of C.

(3) An applicant may request that his or her physical address or that of any other person be omitted from the order.

#### **Ex parte application**

7. (1) The court may make an interim protection order without the respondent having been given notice of the proceedings if—

- (a) it is necessary or appropriate to do so in order to ensure the safety and protection of P or C, and
- (b) the court is satisfied that there are reasonable grounds for finding that the criteria for making a full order under section 3 exist.

- (2) In determining whether to exercise its powers under subsection (1), the court must have regard to all the circumstances, including—
- (a) any risk of significant harm to P or C, attributable to conduct of the respondent, if the order is not made immediately,
  - (b) whether it is likely that the applicant will be deterred or prevented from pursuing the application if an order is not made immediately, and
  - (c) whether there is reason to believe that the respondent is aware of the proceedings but is deliberately evading service and that P or C will be seriously prejudiced by the delay in effecting service.

### **Terms of protection order**

**8. (1)** An interim or final protection order prohibits the respondent from committing an act of domestic abuse against P or C.

(2) An interim or final protection order may be expressed to refer to domestic abuse in general or particular acts of domestic abuse.

(3) When making an interim or final protection order, the court may impose any restrictions it considers necessary to protect P and C from acts of domestic abuse by the respondent, including prohibiting the respondent from—

- (a) encouraging any person to commit an act that, if committed by the respondent, would amount to an act of domestic abuse against P or C,
- (b) entering the residence of P,
- (c) entering the place of employment of P,
- (d) entering the place of schooling or care of C,
- (e) coming within a specified distance from P or C,
- (f) taking possession of, damaging, converting or otherwise dealing with property that P or C may have an interest in or is reasonably used by P or C,
- (g) entering the shared household,
- (h) entering a specified part of the shared household, or
- (i) committing any other act as specified in the order.

(4) When making a protection order, the court may impose any conditions it considers necessary and just, including—

- (a) directing the respondent to return specific property that is in the respondent's possession or under his or her control, to P or C,
- (b) imposing on P and/or the respondent obligations as to—
  - (i) the repair and maintenance of the shared household; or
  - (ii) the discharge of rent, mortgage payments or other outgoings affecting the shared household,
- (c) possession or use of furniture or other contents of the shared household,
- (d) ordering P, the respondent or a third party joined to any proceedings to take reasonable steps to keep the shared household and any furniture or other contents secure,



- (e) ordering the respondent to pay interim monetary relief to a specified person for the benefit of P and/or C, comprising of a lump sum if the court considers that to be reasonable and/or, where there is no existing order relating to maintenance, periodic payments until such time as an obligation for support is determined under any other law, or
- (f) any additional condition deemed necessary to provide for and to protect P and C.

### **Matters to be considered**

**9. (1)** In deciding whether to grant an interim or final protection order and, if so, the form, prohibitions and conditions of the order, the court must have regard to all the circumstances, including—

- (a) the nature, history or pattern of the act of domestic abuse that has occurred,
- (b) the need to secure the health, safety and welfare of P and C,
- (c) the housing needs and housing resources of each of the parties to the domestic relationship and of any relevant child,
- (d) the income, assets and financial obligations of each of the parties to the domestic relationship in relation to each other, to any relevant child and generally,
- (e) the likely effect of any order or of any decision by the court not to exercise its powers on the health, safety or well-being of the parties to the domestic relationship and of any relevant child,
- (f) the conduct of the parties to the domestic relationship in relation to each other and otherwise,
- (g) the nature of the domestic relationship, the length of the relationship, whether there were any children of both parties or children for whom both had parental responsibility and the level of commitment involved in the relationship,
- (h) the length of time that has elapsed since the parties to the domestic relationship ceased to live together, if applicable,
- (i) the existence of any pending proceedings between the parties to the domestic relationship for a financial order under the Matrimonial Causes Ordinance 1961, the Welfare of Children Ordinance 2008, or the Child Welfare Ordinance 2011, and
- (j) any other matter that the court considers relevant in the circumstances of the case.

**(2)** If the court is satisfied that P or C is likely to suffer significant harm attributable to conduct of the respondent if an order regulating the use of a shared household in favour of P or C is not made, the court must make the order, unless it appears to the court that—

- (a) the respondent or any relevant child is likely to suffer significant harm if the order is made, and
- (b) the harm likely to be suffered by the respondent or any relevant child in that event is as great as, or greater than, the harm attributable to conduct of the respondent which is likely to be suffered by P or C if the order is not made.

**(3)** Any powers contained within this Ordinance must not be exercised to make an order preventing a respondent from entering his or her own property, or allowing P to enter the respondent's property either solely or on a shared basis, where parties to the domestic relationship have never lived together in a shared household.

### **Undertaking by respondent**

**10. (1)** Instead of making a protection order, the court may accept an undertaking from the respondent given on oath, that the respondent will not engage in conduct specified in the undertaking.

**(2)** The court must not accept an undertaking under subsection (1) if it appears to the court that—

- (a)** the respondent has used or threatened violence against P or C and
- (b)** for the protection of P or C it is necessary to make a protection order so any breach thereof may be punishable under section 14(1).

**(3)** An undertaking remains in force for the period stated in the undertaking, but it may not exceed 3 years.

**(4)** A breach of an undertaking is enforceable as contempt of court as if the court had made an interim or final protection order in terms corresponding to those of the undertaking.

**(5)** No power of arrest is attached to an undertaking.

### **Provisions relating to orders**

**11. (1)** The court may make an order pursuant to this Ordinance, if—

- (a)** an application for the order has been made in accordance with section 5, or
- (b)** in any family or child protection proceedings to which the respondent is a party, the court considers that the order should be made for the benefit of any other party to those proceedings or any relevant child even though no such application has been made,
- (c)** at the conclusion of any criminal proceedings, whether there has been conviction or acquittal, where the court considers it is necessary that an order should be made to protect any person or any relevant child even though no such application has been made, or
- (d)** at the conclusion of any family proceedings where the court considers it is necessary that an order should be made to protect any person or any relevant child even though no such application has been made.

**(2)** An order made under subsection (1)(b) ceases to have effect when the family or child protection proceedings have been finally disposed of.

**(3)** An order made under this Ordinance comes into force upon the respondent being made aware directly or by letter, email, telephone or any other method of communication of the contents of the order.

**(4)** The court may make an interim order for such period as the court considers reasonable in order to obtain any evidence necessary to hear the matter.

(5) A final protection order may be made for such period as the court considers necessary, but in the event of an order protecting a relevant child, the order relating to the relevant child ceases upon the child reaching the age of 18 years.

(6) In any proceedings pursuant to this Ordinance, the court may make an order with the consent of all the parties to the proceedings.

### **Additional provisions relating to orders**

12. (1) Before an order is made under section 11(1)(c) both the prosecution and the defence may lead evidence that would be admissible in proceedings following an application under section 6.

(2) The prosecutor, the defendant or any other person mentioned in the order may apply to the court which made the order for it to be varied or discharged by a further order.

(3) Any person mentioned in the order is entitled to be heard on the hearing of an application under subsection (2) above.

(4) If the Court of Appeal allows an appeal against conviction it may remit the case to the Supreme Court to consider whether to proceed under this section.

(5) If—  
(a) the Supreme Court allows an appeal against conviction, or  
(b) a case is remitted to the Supreme Court under subsection (4),  
the reference in section 11(1)(c) to a court before which a person is acquitted of an offence is to be read as referring to that court.

(6) A person made subject to an order under section 11(1)(c) where they were acquitted of the offence has the same right of appeal against the order as if he had been convicted of the offence in question before the court which made the order.

### **Variation and revocation of order**

13. (1) Where a final protection order is in force, the respondent and any person permitted to apply under section 6 may make an application to the court for an order varying or revoking the original order.

(3) If the application to vary or revoke an order is made within 6 months from the date of the relevant order, the court may dismiss the application on the papers unless the applicant demonstrates a significant change in circumstances.

(4) In deciding the application under this section, the court must have regard to the matters specified in section 8.

### **Breach of order**

**14. (1)** Subject to subsection (2), a person who without reasonable excuse does anything that he or she is prohibited from doing by an order under this Ordinance commits an offence.

Penalty: A fine of £1,000 or imprisonment for 5 years, or both.

## **PART IV PROCEEDINGS**

### **Conduct of proceedings**

**15. (1)** In any proceedings under this Ordinance, other than criminal proceedings, no person may be present during any hearing, other than—

- (a) an officer of the court;
- (b) parties to the proceedings and their representatives;
- (c) P and C, if the court deems it appropriate;
- (d) witnesses when permitted;
- (e) any other person who is granted leave to be present by the court.

**(2)** Nothing in this section limits any other power of the court to hear proceedings *in camera* or to exclude any person from the courtroom.

**(3)** Where an application is made on behalf of a child, the parent, guardian, person with parental responsibility for the child or person with whom the child normally resides or resided on a regular basis may be a party to the proceedings.

**(4)** The court may ask the Ascension Island Safeguarding Board to arrange for a suitable officer to ascertain the views of any relevant child and to make a report to the court, orally or in writing.

**(5)** If a child expresses his or her views, the court must take account of those views having regard to the age and maturity of the child and the ability of the child to express his or her views.

### **Evidence**

**16. (1)** In any proceedings under this Ordinance, other than criminal proceedings, the court may receive such evidence as it thinks fit, whether it is admissible in a court of law or otherwise.

**(2)** The respondent may not cross-examine P in person.

### **Standard of proof**

**17.** Every question of fact arising in any proceedings under this Ordinance, other than criminal proceedings, must be decided on a balance of probabilities.

**Publication**

**18. (1)** Subject to subsection (4), no person may, except with leave of the court, make public—

- (a) any report of proceedings under this Ordinance, other than criminal proceedings, or
- (b) any documentation filed within proceedings under this Ordinance, other than criminal proceedings.

**(2)** A person who contravenes subsection (1) commits an offence.

Penalty: A fine of £500 or imprisonment for 2 years, or both.

**(3)** Nothing in this section limits—

- (a) the provisions of any other enactment relating to the prohibition or regulation of 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 does not apply where the information is disclosed for the purpose of—

- (a) obtaining legal advice;
- (b) obtaining any form of treatment;
- (c) informing any third person who is named in the documentation; and,
- (d) informing the landlord, mortgagor or any other person who has an interest in the property of the existence of the proceedings.

**Rules**

**19.** The Chief Justice may make rules of court to regulate the practice and procedure of the court, to prescribe the forms to be used with respect to any proceedings under this Ordinance and to provide for such matters as are necessary for giving full effect to the provisions of this Ordinance.

**PART V  
APPEALS**

**Appeals**

**20. (1)** A person may appeal within 28 days after the decision of the Court.

**(2)** A person entitled to apply for the variation or revocation of an order made under this Ordinance may only appeal against—

- (a) the making of any such order;
- (b) the refusal by the court to make such an order; or
- (c) the revocation or variation by the court of such an order.

(3) On an appeal under subsection (1) the Supreme Court or the Court of Appeal may make such orders as are necessary to give effect to its determination of the appeal, including such incidental or consequential orders as appear to the court to be just.

(4) Subject to the court otherwise directing, the operation of an order is not suspended by virtue of an appeal made pursuant to this section and every order may be enforced in the same manner and in all respects as if no appeal pursuant to this section were pending.

## **PART VI OFFENCES**

### **Controlling or coercive behaviour in an intimate or family relationship**

- 21. (1)** A person (X) commits an offence if—
- (a) X repeatedly or continuously engages in behaviour towards another person (Y) that is controlling or coercive,
  - (b) at the time of the behaviour, X and Y have a domestic relationship,
  - (c) the behaviour has a serious effect on Y, and
  - (d) X knows or ought to know that the behaviour will have a serious effect on Y.
- (2) X does not commit an offence under this section if at the time of the behaviour in question—
- (a) X has parental responsibility for Y, and
  - (b) Y is under 16.
- (3) X's behaviour has a “serious effect” on Y if—
- (a) it causes Y to fear, on at least two occasions, that violence will be used against Y, or
  - (b) it causes Y serious alarm or distress which has a substantial adverse effect on Y's usual day-to-day activities.
- (4) For the purposes of subsection (1)(d) X “ought to know” means that which a reasonable person in possession of the same information would know.
- (5) In proceedings for an offence under this section it is a defence for X to show that—
- (a) in engaging in the behaviour in question, X believed that he or she was acting in Y's best interests, and
  - (b) the behaviour was in all the circumstances reasonable.
- (6) X is to be taken to have shown the facts mentioned in subsection (5) if—
- (a) sufficient evidence of the facts is adduced to raise an issue with respect to them, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (7) The defence in subsection (5) is not available to X in relation to behaviour that causes Y to fear that violence will be used against Y.
- (8) A person who contravenes subsection (1) commits an offence.  
Penalty: A fine of £1,000 or imprisonment for 5 years, or both.

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**EXPLANATORY NOTE**

*(This note does not form part of the Ordinance)*

This Ordinance provides additional protections for victims of domestic abuse in Ascension. It gives power for the police to issue domestic violence protection notices, and the court power to impose domestic abuse protection orders. It also introduces the offence of coercive and controlling behaviour.