

CARDIFF CROWN COURT

PROTOCOL FOR DEALING WITH APPLICATIONS TO REMOVE / VARY A RESTRAINING ORDER

Upon receipt of an application to vary or remove a Restraining Order, the court office will implement the following procedure:

1. The Court will then write to the applicant to acknowledge receipt and to notify the applicant:
 - (a) That the Court has placed the application before a judge and will be implementing its standard protocol for dealing with the application;
 - (b) Request the applicant to provide the court with an address, a telephone number, and if possible an email address for future contact;
 - (c) **Request the applicant to provide a short statement explaining the reasons for their request, in order that it can be copied for the defendant to read. It should not contain any information that is confidential.**
 - (d) That the court will be giving notice to the Crown Prosecution Service, the police, and defendant that the application is being made;
 - (e) That the court will be inviting the CPS to arrange for a police officer trained in dealing with issues of domestic violence to visit any person who was the beneficiary of the Restraining Order, for the purpose of an interview and the preparation of a statement for the court;
 - (f) That statement will then be placed before a judge for review of the position;
 - (g) Thereafter the court will set a hearing date for the matter, with at least 14 days prior notice;

2. Upon confirmation by the judge that the usual protocol can be followed the court office will:
 - (a) Copy the application and the court log to CPS;
 - (b) Provide the CPS with any further contact details for the applicant;
 - (c) Request the CPS to arrange for the police to make contact with any person who was the beneficiary of the Restraining Order, to arrange an interview with a local police officer trained in dealing with issues of domestic violence;
 - (d) Ask CPS to arrange for the interviewing officer to be provided with copies of the guidance of the Sentencing Guidelines Council on such issues ie re Domestic Violence and Breach of Protective Orders (as attached) in advance of the arranged interview;