



Domestic Abuse – Guidance on the Law

This guide is intended to help members of the public understand the offence of domestic abuse and the orders a court can make. It is not legal advice.

The **Domestic Abuse (Jersey) Law 2022** came into force on 21 June 2023. The Law created a new offence of **domestic abuse**.

What is domestic abuse?

- 1) The Law says that domestic abuse is **abusive** behaviour by one person aged 16 or over (A) towards another person aged 16 or over (B), which happens **more than once** and which **causes or is reasonably likely to cause harm**.
- 2) The two people involved have to be **personally connected**. This means that:
 - a) they are (or once were) married, in a civil partnership, or in an intimate personal relationship
 - b) they have agreed (or they once agreed) to marry or enter into a civil partnership
 - c) they are (or have been) parents of the same child, or share parental responsibility for a child
 - d) they are relatives by blood, adoption, marriage or civil partnership
 - e) One is the carer of the other

What counts as abuse?

- 3) **Abusive** behaviour means:
 - a) Something that is an offence under Jersey law which involves:
 - i) Physical or sexual abuse
 - ii) Violence or threats
 - iii) Harassment
 - iv) Neglect

- b) Behaviour that is **coercive or controlling**, which means behaviour that is reasonably likely to:
 - i) make B **dependent on or subordinate to A**
 - ii) **isolate** B from their friends, family or other sources of social interaction or support
 - iii) **control, regulate or monitor** B's day-to-day activities
 - iv) **restrict B's freedom of action.**

What does harm mean?

- 4) **Harm** can be **physical** or **psychological**
- 5) **Psychological harm** includes **fear, alarm, distress, humiliation** or **degradation**

What can domestic abuse look like?

- 6) Domestic abuse can take many different forms. The following are some examples. Not every instance of this sort of behaviour will be an offence of domestic abuse.
 - a) **Emotional abuse:** A calling B names, criticising their appearance, behaviour or parenting; hiding or stealing favoured possessions; pressuring B into sexual behaviour; 'gaslighting' – making B doubt their own sanity or memory; threatening B or their family or friends; telling B they deserve or cause the abuse
 - b) **Harassment:** A making unwanted visits to B's workplace or house, calling or messaging them repeatedly, sending them unwanted letters or cards
 - c) **Coercive control:** A monitoring or tracking B in person or online; accessing phones and reading diaries without permission; controlling who B can see; controlling what B can wear; depriving B of food or basic needs
 - d) **Physical abuse:** beating or punching, grabbing by the neck, spitting
 - e) **Economic abuse:** A preventing B from managing their own money; controlling B's income and spending; controlling bank accounts; running up debts in B's name; making B work or stopping them from doing so
 - f) **Immigration abuse:** A using B's insecure immigration status and fear of deportation as a lever to control them, threatening to report them to authorities, locking away immigration paperwork, isolating them from immigration support services, bringing them to Jersey on a false promise that they would have legal status there.

What geographical area does the Law cover?

- 7) If the suspect, A, ordinarily lives in Jersey then they can be prosecuted in Jersey for domestic abuse that took place overseas.

Domestic Abuse Protection Orders

- 8) Where there has been a conviction for an offence of domestic abuse (or certain other offences), the Court can make an order protecting B from domestic abuse where it is more likely than not that there is a risk of further domestic abuse by A towards B and an order is necessary to protect B.
- 9) A protection order will generally be made at the time of sentencing, but in some circumstances an application can be made later.
- 10) An order can prevent A from doing things like **contacting** B or **going to their workplace**. It can make A do things like **moving out** of a house shared with B, attending counselling or undertaking a course.
- 11) An order can last for a set time or indefinitely.
- 12) Disobeying an order is a criminal offence punishable by imprisonment of up to five years or a fine.

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