***Family Law Act 1996 Part IV (amended 1st July 2007) - INJUNCTION pro forma***

**[Tick or circle all provisions to be included in the Order and delete as appropriate]**

# IN THE COUNTY COURT

**Case No**. ..............................

**Applicant** ......................................................................................... **Respondent** .........................................................................................

**Date** .............................. **CJ / DJ** ................................................[*name*] **Ex parte** Yes / No

**Applicant** counsel solicitor in person no attendance **Present** Yes / No

**Respondent** counsel solicitor in person no attendance **Present** Yes / No

**Statements** ..................................................................................................................... **[name / date]**

**Evidence** ..................................................................................................................... **[name / date]**

# NON-MOLESTATION ORDERS

**Ordered that:**

* From and after personal service of this Order upon him the Respondent [whether by himself or acting jointly with any other person] is forbidden to: [*delete as appropriate*] **OR**
* From and after the time when the Respondent is made aware of the terms of this Order whether by personal service or telephone or otherwise the Respondent [whether by himself or acting jointly with any other person] is forbidden to: [*delete as appropriate*]
  1. Use or threaten any unlawful violence towards the Applicant
  2. Use or threaten any violence towards [*name of child or children*]
  3. Come within [ ] metres of the Applicant’s home at [*address*]
  4. Come within [ ] metres of the Applicant’s place of work at [*address*]
  5. Come within [ ] metres of any property at which he/she is aware that the Applicant is living
  6. Come within [ ] metres of [*address of school*] between the hours of 8am and 9am and 3 pm and 4 pm except by prior written invitation from the school authorities [*adjust to collection and delivery times for child*]
  7. Send any threatening or abusive letters, text messages or other communication to the Applicant
  8. Communicate with the Applicant whether by letter, telephone, text message or other means of communication except [through her solicitors] **OR** [for the purpose of making arrangements for contact between the Respondent and [*name(s) of child or children*]]
  9. Threaten the Applicant
  10. Damage or attempt to damage or threaten to damage any property belonging to the Applicant or jointly owned by the parties
  11. Damage or attempt to damage or threaten to damage any of the contents of [*address occupied by the Applicant*]
* The Respondent is also forbidden to instruct or encourage any other person to do anything which he is forbidden to do by the terms of this Order

**Until** ................................................. **[date] OR Until further Order of the Court**

# COSTS

* No order as to costs between the parties
* Costs reserved to the next hearing [*only if a hearing is to be listed*]
* *Respondent* / *Applicant* to pay assessed costs [of £ ]
* Legal aid assessment *Applicant / Respondent / both parties*

## HEARING - for ex parte orders

• Respondent to file and serve any affidavit in evidence in support of his/her case not less than 48 hours before the review hearing

Date & time ............................................... Only list on request by Respondent Yes / No

Next available date after ................. days Time estimate ......................... *hours / minutes*

Service abridged to ......................................... *days / hours /date & time*

# OCCUPATION ORDERS

**Home (or intended home):** .......................................................................................................[*address*]

**ARREST** the power of arrest applies to paras.......................... [*numbers*] until ................................... [*date*]

**NOTICE** delete penal notice **Yes / No**

# ORDERS

**Section 33** -*Applicant has estate or interest or matrimonial home rights*

**Declared that:**

1. the *Applicant* is entitled to occupy [*home*] as *his/her* home
2. the *Applicant* has matrimonial home rights in [*home*]
3. the *Applicant’s* matrimonial home rights shall not end when the *Respondent* dies or their marriage is dissolved and shall continue until .............................................. [*date*] or further order

**Ordered that the Respondent:**

1. shall allow the *Applicant* to occupy [*home*]
2. shall allow the *Applicant* to occupy part of [*home* namely: ........................................ [specify part]
3. shall not come within ........... metres of [*home*]
4. shall not obstruct, harass or interfere with the *Applicant’s* peaceful occupation of [*home*]
5. shall not occupy [*home*]
6. shall not occupy [*home*] [from .................................. [*date*] until..................................... [*date*] 10. shall not occupy ............................................................................................ [*specify part of home*]

[*add if desired*] between ............................................ [*date*] and ........................................ [*date*]

11. shall leave [*home*] [forthwith] [within ................ [*hours/days*]] of service on *him/her* of this order 12. having left [*home*] shall not return to, enter or attempt to enter [or go within .......... metres of] it

• The Respondent is also forbidden to instruct or encourage any other person to do anything which he is forbidden to do by the terms of this Order

**Sections 35** -*former spouse* - **36** *(former) cohabitant -**No existing right to occupy*

**Declared that:**

1. the *Applicant* has the right to occupy [*home*] and the *Respondent* shall allow the *Applicant* to do so **Ordered that:**
2. the *Respondent* shall not evict or exclude the *Applicant* from [*home*] or any part of it

8 9 10 11 12 [*above*]

**Sections 37 & 38** -*No rights to occupy - refer to Family Law Act 1996 when required*

**ADDITIONAL PROVISIONS** *- for section 33, 35 & 36 Orders* ***only***

**Ordered that:**

1. The *Applicant* / *Respondent* shall maintain and repair [*home*] **AND/OR**
2. The *Applicant* / *Respondent* shall pay the rent for [*home*] **OR**
3. The *Applicant* / *Respondent* shall pay the mortgage payments on [*home*] **OR**
4. The *Applicant* / *Respondent* shall pay the following for [*home*]:

................................................................................................................................... [*specify outgoings*]

1. The *Applicant* / *Respondent in occupation* shall pay to the *other party* £ ....................... each [*week / month*] for [*home*]
2. The *Applicant* / *Respondent in occupation* shall keep and use the [*furniture / contents*] of [*home*] and the *Applicant* / *Respondent* shall return to the *Applicant* / *Respondent* *in occupation* the [*furniture / contents / specify*] no later than ................................... [*date/time*]
3. The *Applicant* / *Respondent in occupation* shall take reasonable care of the [*furniture / contents / specify*] of [*home*]
4. The *Applicant* / *Respondent in occupation* shall take all reasonable steps to keep secure [*home*] and the furniture or other contents [*specify if necessary*]

**DURATION** - *of occupation Orders*

## Under section 33

This Order shall last until ................................................... [*date or event*]  **OR** This Order shall last until a further Order is made

## Under section 35, 36, 37 & 38

This Order shall last until ................................................... [*date up to 6 months hence*]

The Order made on ....................... [*date*]is extended until ...................... [and must end on that date] [*only one extension of up to 6 months under ss.36 & 38*]

# NOTES

District Judge ASHTON

1st edition 2007 - 1/8/07