# Occupation Order Explainer Pack

This guide provides a clear overview of Occupation Orders under Part IV of the Family Law Act 1996. Occupation Orders regulate who can live in the family home or enter the surrounding area.

## What is an Occupation Order?

An Occupation Order is a type of court order that regulates the occupation of a property, typically the family home. It can be used to exclude someone from the home, grant temporary rights of occupation, or determine who should live there during a dispute.

## Who Can Apply?

You can apply if you are associated with the other person under section 62(3) of the Family Law Act 1996. This includes spouses, civil partners, cohabitants, former partners, or those with a shared parental responsibility.

## When Can You Apply?

You may apply if:  
- You are experiencing domestic abuse  
- You have been excluded from the family home unfairly  
- You need protection due to threats or harassment

## What Does the Court Consider?

The court will consider the balance of harm test under section 33(7), including:  
- The housing needs and resources of each party  
- The financial resources of each party  
- The likely effect of any order or lack thereof  
- The conduct of both parties

## How to Apply

You can apply using Form FL401, available on gov.uk. Include a supporting witness statement explaining your situation in detail.

## Example Application Wording

“I am applying for an Occupation Order to remain in the property located at [address], due to ongoing harassment and risk of harm from the respondent. I am the primary carer of our two children, and this property is their home and school catchment area.”