

Injunctions

The Law

If you are a victim of domestic violence or harassment you may wish to apply for an injunction order from the court to protect you. Under the Family Law Act 1996 you can apply for an injunction against an 'associated person' which includes your current or former spouse or cohabitee, or certain other family members. For other people you can apply under the Protection from Harassment Act 1997.

There are two types of injunctions:

- **A non-molestation order:** This is an order prohibiting someone from using or threatening violence, or harassing, intimidating or pestering you,
- **An occupation order:** This is an order regulating the occupation of the property and can be used in a number of different ways. For example, your partner could be ordered to leave the home and be prevented from returning there or within a defined area of the property. Alternatively, the court may define what parts of the house shall be occupied by each person.

The Procedure

An application form with a sworn statement in support must be issued at the court. These papers will be personally delivered to your partner who will have an opportunity of defending the application at court. If they wish to do so they will usually lodge their own statement.

In serious cases and where there is a risk that such an application could actually provoke an attack, it is possible to apply for a temporary injunction order without giving your partner any notice, but if this happens the case will return to court quite quickly to allow your partner to defend the application if they wish.

If you need help or advice with an injunction order, please contact our family solicitors today. Call [01727 858807](tel:01727858807) or email: cst@labrums.co.uk