

Non-Molestation Order



**In the Family Court
Sitting at [Place]**

No:

The Family Law Act 1996

**The Marriage of XX and YY, or
The Civil Partnership of XX and YY, or
The Relationship of XX and YY, or
The Family of XX and YY**

Adapt as necessary

After hearing *[name the advocate(s) who appeared]*....
(*In the case of an order made without notice*) After reading the statement(s) and
hearing the witness(es) specified in para *[insert]* of the Recitals below

**NON-MOLESTATION ORDER MADE BY [NAME OF JUDGE] ON [DATE]
SITTING IN PRIVATE**

IMPORTANT NOTICE TO THE RESPONDENT, [YY] OF *[insert address]*

YOU MUST OBEY THIS ORDER. You should read it carefully. If you do not understand anything in this order you should go to a solicitor, Legal Advice Centre or Citizens Advice Bureau. You have a right to apply to the court to change or cancel the order.

WARNING: IF, WITHOUT REASONABLE EXCUSE, YOU DO ANYTHING WHICH YOU ARE FORBIDDEN FROM DOING BY THIS ORDER, YOU WILL BE COMMITTING A CRIMINAL OFFENCE AND LIABLE ON CONVICTION TO A TERM OF IMPRISONMENT NOT EXCEEDING FIVE YEARS OR TO A FINE OR BOTH.

ALTERNATIVELY, IF YOU DO NOT OBEY THIS ORDER, YOU WILL BE GUILTY OF CONTEMPT OF COURT AND YOU MAY BE SENT TO PRISON, BE FINED, OR HAVE YOUR ASSETS SEIZED.

The Parties

1. The applicant is XX
The respondent is YY
[The second respondent is ZZ]
[Specify if any party acts by a litigation friend]

Definitions

2. The “children of the family” are:

- a. [forename and surname] born on [date];
 - b. [forename and surname] born on [date]; and
 - c. etc
3. The “family home” is [insert full address including postcode] / [“insert”] is [insert full address including postcode]

Recitals

4. This is a non-molestation order made against the respondent [YY] on [insert date] by [insert name of judge] on the application of the applicant [XX].
5. (Where the order was made without notice) The judge read the following witness statement(s) [set out] and heard oral evidence from [insert name(s)].
6. (Where the order was made without or on short notice) This order was made at a hearing [without notice]/[on short informal notice] to the respondent. The reason why the order was made [without notice]/[on short informal notice] to the respondent was [set out]. The respondent has the right to apply to the court to set aside, vary or revoke the order – see paragraph [insert] below.

Undertakings given to the court by the applicant XX

7. (Where the order was made without or on short notice) [By [insert time and date] the applicant shall:
- a. issue an application notice [in the form of the draft produced to the court] [claiming the appropriate relief]; and
 - b. file a witness statement [substantially in the terms of the draft witness statement produced to the court] [confirming the substance of what was said to the court by the applicant’s counsel/solicitor]].
8. (Where the order was made without or on short notice) [By [insert time and date] the applicant shall [use [his]/[her] best endeavours personally to serve upon the respondent] / [serve upon the respondent, by [insert method of service – for example posting to the respondent’s usual address]], together with this order:
- a. a copy of the application;
 - b. copies of the witness statement(s) and exhibits containing the evidence relied upon by the applicant, and any other documents provided to the court on the making of the application; and
 - c. a note [prepared by [his]/[her] solicitor] recording the substance of the dialogue with the court at the hearing and the reasons given by the court for making the order, which note shall include (but not be limited to) any allegation of fact made orally to the court where such allegation is not contained in the witness statement(s) or draft witness statement(s) read by the judge.]
9. The statement of service of this order on the respondent shall be filed at court and shall be in a form which complies with section 9 of the Criminal Justice Act 1967 [and shall include the following signed declaration:
- “This statement is true to the best of my knowledge and belief and I make it knowing that, if it were tendered in evidence, I would be liable to prosecution*

if I wilfully stated in it anything which I know to be false or did not believe to be true.”]

IT IS ORDERED (BY CONSENT):

Non-Molestation Order – Applicant

10. The respondent, [YY], must not use or threaten violence against the applicant, [XX], and must not instruct, encourage or in any way suggest that any other person should do so.
11. The respondent, [YY], must not intimidate, harass or pester the applicant, [XX], and must not instruct, encourage or in any way suggest that any other person should do so.
12. The respondent, [YY], must not telephone, text, email or otherwise contact or attempt to contact the applicant, [XX], (including via social networking websites or other forms of electronic messaging) [except for the purpose of making arrangements for contact between the respondent and the children of the family] / [except through [his]/[her] solicitors [*insert name, address and telephone number*]].
13. The respondent, [YY], must not damage, attempt to damage or threaten to damage any property owned (whether solely or jointly with another) by, or in the possession or control of, the applicant, [XX], and must not instruct, encourage or in any way suggest that any other person should do so.
14. The respondent, [YY], must not damage, attempt to damage or threaten to damage the property or contents of [the family home]/[*insert property*], and must not instruct, encourage or in any way suggest that any other person should do so.

Non-Molestation Order - Zonal

15. The respondent, [YY], must not go to, enter or attempt to enter [the family home] / [*insert property*] / [any property where he knows or believes the applicant, [XX], to be living], and must not go [within [*insert*] metres of it] / [along the road(s) known as [*insert*]], except that the respondent may [go to the property [without entering it]] / [go along the road(s) known as [*insert*]] for the purpose of collecting the children of the family for, and returning them from, such contact as may be agreed in writing between the applicant and the respondent or in default of agreement ordered by the court.

Non-Molestation Order - Children

16. The respondent, [YY], must not use or threaten violence against the child[ren] of the family, and must not instruct, encourage or in any way suggest that any other person should do so.
17. The respondent, [YY], must not intimidate, harass or pester the child[ren] of the family, and must not instruct, encourage or in any way suggest that any other person should do so.

18. The respondent, [YY], must not telephone, text, email or otherwise contact or attempt to contact the child[ren] of the family (including via social networking websites or other forms of electronic messaging) [except for such contact as may be agreed in writing between the applicant and the respondent or in default of agreement ordered by the court].
19. The respondent, [YY], must not [between the hours of 08:30 and 16:00] go to, enter or attempt to enter the school premises known as [insert], and must not go [within [insert] metres of it] / [along the road(s) known as [insert]], except [by prior written agreement with the applicant] / [by prior written invitation from the school authorities].

Duration of Non-Molestation Order

20. Paragraph(s) [insert] of this order shall be effective against the respondent [YY] once it is personally served on [him]/[her] [and/or] once [he]/[she] is made aware of the terms of this order whether by personal service or otherwise.
21. Paragraph(s) [insert] of this order shall last until [insert date and time] unless it is set aside or varied before then by an order of the court.
22. The respondent has the right to apply to the court at any time, [(where the order was made without notice) and without waiting until the return date], to set aside, vary or revoke this order. [Insert if appropriate: The respondent must give [insert hours / days] [written] notice of the application to the [applicant]/[applicant's solicitors]]. If the respondent intends to rely on any evidence in support of [his]/[her] application to set aside, or vary this order, [(where the order was made without notice) or intends to rely on any evidence to oppose the continuation of the order at the return date], the substance of it must be provided in writing to the [applicant]/[applicant's solicitors] in advance.
23. (Where the order was made without or on short notice) [If the respondent intends to oppose the continuation of the order on the return date [he] / [she] must notify the court [in writing or by email] no later than [insert date and time] that [he] / [she] intends to attend the hearing on the return date and to oppose the continuation of the order. If the respondent does not notify the court then the court may, if appropriate, make an order dispensing with the need for any attendance by the [applicant] / [applicant's solicitors] on the return date and may, if appropriate, on the return date make an order extending the injunction.]

Hearings

24. [The application(s) [is]/[are] listed for a further [directions] hearing in the Family Court sitting at [insert place] on [insert date] ('the return date'). At the hearing on the return date, the court will reconsider the application and decide whether [the order should continue] / [the application should be granted and the order should be made] (time estimate: [insert time]). If the respondent does not attend on the date and at the time shown the court may make an order in [his]/[her] absence.]

25. [The application(s) [is]/[are] listed for a Final Hearing in the Family Court sitting at [insert place] on [insert date]. At the hearing, the court will reconsider the application and decide whether [the order should continue] / [the application should be granted and the order should be made] (time estimate: [insert days]). If the respondent does not attend on the date and at the time shown the court may make an order in [his]/[her] absence.]

Costs

26. The costs of this application are [reserved to the judge hearing the application on the return date] / [in the application], etc.

Dated

Note to Arresting Officer:

Under section 42A of the Family Law Act 1996, breach of a non-molestation order is a criminal offence punishable by up to five years' imprisonment. It is an arrestable offence and it is not necessary to obtain a warrant.

“A person who without reasonable excuse does anything that he is prohibited from doing by a non-molestation order is guilty of an offence”.

Family Law Act 1996, section 42A(1).

Where undertakings have been given

Statements pursuant to PD 37A para 2.2

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

.....

XX

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

.....

YY

Communications with the court

All communications to the court about this order should be sent to –
[Insert the address and telephone number of the appropriate Court Office]

Name and address of applicant's legal representatives

The applicant's legal representatives are –
[Name, address, reference, fax and telephone numbers both in and out of office hours and e-mail]