# **In the county court at (name)**

**Domestic Abuse Protection Order under Part 3 of the Domestic Abuse Act 2021**

Case number:

Name of Claimant:

Name of Defendant:

Defendant’s date of birth:

To: Defendant’s Name

Defendant’s address

**Warning notice**

**If, without reasonable excuse, you do anything you are forbidden from doing or fail to do anything you are required to by this order, including obeying the notification requirement, you will be committing a criminal offence and liable on conviction to a term of imprisonment not exceeding 5 years, or to a fine, or to both.**

**YOU MUST OBEY THIS ORDER AND THE NOTIFICATION REQUIREMENTS BELOW. 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. You have a right to apply to the court to change or cancel the order.**

**Alternatively, if you do not obey this order or the notification requirement, you will be guilty of contempt of court and may be sent to prison.**

**Notification requirements – steps you must now take**

**During the period of this order, you are subject to the notification requirements. You are required to notify the police of certain personal details, and keep them up to date, for as long as this order lasts.**

**You must notify the police within the next 3 days:**

**• your name and where you use one or more other names, each of those names, and**

**• your home address, including your sole or main residence or, where you have no such residence, the address or location of a place where you can regularly be found at and, if there is more than one such place, such one of those places as you may select.**

**You must also notify the police within 3 days of any change to your name or address.**

**Terms of Order**

**Date of order**

**Name of the Claimant (name)**

Before (title and name of Judge sitting at (location of hearing) on (date)

**Preamble/Recitals**

This is a domestic abuse protection order made against the defendant [*defendant name*] on [*date*] by [*name of judge*] on the application of the claimant [*claimant name*].

**(Where the order was made without notice)** The judge read the following witness statement[s][*insert*]and heard oral evidence from [*name(s)*].

The reason why the order was made without notice to the defendant was [*insert*]. The defendant has the right to apply to the court to vary or discharge the order.

**Definitions**

The “premises” is the property at [full address] [and its surrounding gardens, land and outbuildings]].

**Directions/instructions to the claimant**

**Directions for service of order**

1. **(Where the order was made without notice)** [By] [*time and date*]

[court bailiff – **select if claimant unrepresented** /

claimant’s legal representative – **select if claimant represented** /

shall [use [his] / [her] best endeavours to serve the defendant [personally] [by alternative method or at alternative place]:

1. a copy of this order
2. a copy of the application;
3. copies of the witness statement[s] and exhibits containing the evidence relied upon by the claimant, and any other documents provided to the court on the making of the application; and
4. notice of the hearing
5. **(Where the order was made on notice)**

[court bailiff – **select if claimant unrepresented** /

claimant’s legal representative – **select if claimant represented** /

shall [use [his] / [her] best endeavours to serve a copy of this order on the claimant [personally] [by alternative method or at alternative place].

**Directions for filing a certificate of service**

1. The certificate of service of this order on the defendant shall be filed at court.
2. **[If claimant is represented /** claimant’s legal representative / must file a certificate of service with the police at the following email address [insert dedicated email address for each police force area].
3. **[If claimant is not represented],** the court bailiff must file a certificate of service with the police at the following email address [insert dedicated email address for each police force area].

**IT IS ORDERED (BY CONSENT):**

**Domestic Abuse Protection Order**

1. The defendant, [*defendant name*], must not use or threaten violence against the claimant, [*claimant name*] and must not instruct, encourage or in any way suggest that any other person should do so.
2. The defendant, [*defendant name*], must not be physically or sexually abusive towards the claimant, [*claimant name*], and must not instruct, encourage or in any way suggest that any other person should do so.
3. The defendant, [*defendant name*], must not intimidate, harass or pester the claimant, [*claimant name*] and must not instruct, encourage or in any way suggest that any other person should do so.
4. The defendant, [*defendant name*], must not telephone, text, email, write, post or otherwise contact or attempt to contact the claimant, [*claimant name*], (including via social networking websites or other forms of electronic messaging) and must not instruct, encourage or in any way suggest that any other person should do so. [except for the purpose of making arrangements for contact between the defendant and any children] / [except through [his] / [her] solicitors [*defendant firm name*], [*defendant firm address*], [*defendant firm DX*], [*defendant firm email*], [*defendant firm phone*], [*defendant firm* fax]].
5. The defendant, [*defendant name*], must not control the claimant, [*claimant name*] and must not instruct [if has solicitors], encourage or in any way suggest that any other person should do so. [to be adapted by the judge to suit each case, for example to take into account exceptions for contact where there are other proceedings]. Alternative suggested wording below:
6. The Defendant must not contact or attempt to contact or communicate with [name] directly or indirectly (for instance by sending a message to be delivered by another person) and whether by voice, letter, text message, telephone, e-mail or by any other means whether it exists at present or is invented in the future.
7. Except that the Defendant is allowed to contact [name] in accordance with paragraphs (1) to (3) below that is:
	* + 1. Via a Solicitor or an employee of any Social Services Department (which includes Children’s Services Department) of any Local Authority for any purpose.

(2) Via the Family Court of England and Wales in relation to anything relating to:

(a) the children [name(s)] and/or

(b) the relationship between the Defendant and [name].

* + - 1. For the sole purpose of communicating to [name] any matter relating to one or more of the children [names] by this method only, that is by email to [eg Smith.children@outlook.com].
1. The defendant, [*defendant name*], must not behave in a coercive way towards the claimant, [*claimant name*] and must not instruct, encourage or in any way suggest that any other person should do so.
2. The defendant, [*defendant name*], must not financially or economically abuse the claimant, [*claimant name*]. and must not instruct, encourage or in any way suggest that any other person should do so.
3. The defendant, [*defendant name*], must not be psychologically, emotionally or otherwise abusive towards the claimant, [*claimant name*] and must not instruct, encourage or in any way suggest that any other person should do so.
4. The defendant, [*defendant name*], must not damage, attempt to damage or threaten to damage any property owned by or in the possession or control of the claimant, [*claimant name*], and must not instruct, encourage or in any way suggest that any other person should do so.
5. The defendant, [*defendant name*], must not damage, attempt to damage or threaten to damage the property or contents of [the premises] / [*property short name*] and must not instruct, encourage or in any way suggest that any other person should do so.
6. The defendant, [*defendant name*] must not evict or exclude the claimant, [*claimant name*] from [address]. and must not instruct, encourage or in any way suggest that any other person should do so. (Judge to consider if there are contravening orders in place eg Property Adjustment Orders and adjust accordingly)

**Domestic Abuse Order - Zonal**

1. The defendant, [*defendant name*], must not go to, enter or attempt to enter [the premises] / [*property short name*] / [any property where [he] / [she] knows or believes the claimant, [*claimant name*], to be living] /place of work / children’s school or nursery and must not go [within [*number*] metres of it] / [along the road[s] known as [*road(s) name(s)*]] / [anywhere within the territory of the map annexed hereto], except that the claimant may [go to the premises [without entering it]] / [go along the road[s] known as [*road(s) name(s)*]] for the purpose of collecting the relevant child[ren] for, and returning them from, such contact with the children as may be agreed in writing between the claimant and the defendant or in default of agreement ordered by the court.
2. [The defendant’s compliance with this requirement will be electronically monitored.]
3. The defendant, [*defendant name*], must not [between the hours of 8.30am and 4.00pm / change as appropriate] go to, enter or attempt to enter the school/nursery premises known as [*school name/*nursery name], and must not go [within [*number*] metres of it] / [along the road[s] known as [*road(s) name(s)*]], except [by prior written agreement with the claimant] / [by prior written invitation from the school authorities].

**Electronic monitoring:**

**Exclusion zone not to enter for a period with electronic monitoring**

* Place / area [Example Street, NF1 1NF]
* Exclusion and electronic monitoring period [ example - 6 Months]
* Start date for tag [16/10/2023]
* Start time for tag [18:00]
* End date for tag [15/04/2024]
* End time for tag [23:59]

**Curfew with electronic monitoring**

* Curfew and Electronic Monitoring period [example - 6 Months]
* Start date of tagging [16/10/2023]
* Start time of tagging [18:00]
* End date of tagging [15/04/2024]
* End time of tagging [23:59]
* Defendant to remain at [example - 145 Test Street, NF1 1NF]
* Details and timings daily, between [18:00 - 05:00]

**Responsible Person for Electronic Monitoring**

1. The Responsible Person for electronic monitoring for this order will be the electronic monitoring supervisor.
2. You [*defendant name*] must:
	* + submit to being fitted with the monitoring device and any installation of equipment as required:
			1. Use this direction if Exclusion zone EM imposed, this is a temporary condition: confine yourself to (INSERT ADDRESS – this will be the address where the court agreed EM equipment can be installed) between 5 p.m. and midnight until (INSERT DATE TWO DAYS AFTER COURT ORDER) for the installation of your electronic monitoring device. This condition no longer applies once the device has been installed.

OR

* + - 1. Use this direction if curfew EM imposed: Remain at (INSERT CURFEW ADDRESS) between (INSERT HOURS OF CURFEW) for tag and equipment to be installed
		- co-operate with any checks or repair of device or equipment as required
		- not interfere with the device or equipment
		- do what’s required to keep the equipment in working order
		- keep in touch with your responsible person as that officer tells you
		- ask permission from the court before you change address
		- tell the responsible person about change of address
1. These conditions are part of the order. You must obey all the conditions.
2. The court will send a notice to the electronic monitoring supervisor telling them about this order.

**Positive requirements (behaviour change programme)**

**Assessment of suitability**

1. You [*defendant name*] are required to attend an assessment of suitability for a programme. You must make yourself available to attend such an assessment when notified to do so by the organisation that has been asked to undertake the assessment.

**Attendance on a programme**

1. You [*defendant name*] are required to complete the following programme provided by (name and contact details of provider). The provider will be the responsible person for this requirement.
2. You must
* keep in touch with your responsible person the way they ask you to
* tell them if you change your home address or no longer have a home address
1. These conditions are part of the order. You must obey all the conditions
2. The court will send a notice to the provider telling them about this order.

**Duration of Domestic Abuse Protection Order**

1. Paragraph[s] [*para number*] of this order shall be effective against the defendant, [*defendant name*] 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.
2. Paragraph[s] [*para number*] of this order shall last until [*date and time*] / [further order] unless it is set aside, varied or discharged before then by an order of the court.
3. The defendant, [*defendant name*] 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 discharge this order. **[If appropriate]**. The defendant must give [*number*] [hours] / [days] [written] notice of the application to the [claimant] / [claimant’s solicitors]. If the defendant intends to rely on any evidence in support of [his] / [her] application to set aside, vary or discharge 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 [claimant] / [claimant’s solicitors] in advance.
4. **[Where the order was made without notice]** If the defendant 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 [*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 defendant does not notify the court then the court may, if appropriate, make an order dispensing with the need for any attendance by the [claimant] / [claimant’s solicitors] on the return date and may, if appropriate, on the return date make an order extending the order.

Clauses 33 and 34 to be adjusted if required, for example if there is a prohibition on direct or third party contact.

**Hearings [ this is for the court to choose if return hearing is ordered]**

1. The application[s] [is] / [are] listed for a further [directions] hearing in the county court sitting at [*court name*] / on [*date / time*] (‘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: [*days/hours*]). If the defendant does not attend on the date and at the time shown the court may make an order in [his] / [her] absence.
2. [The application[s] [is] / [are] listed for a final hearing in the county court sitting at [*court name*] / on [*date / time*]. 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: [*days*]). If the defendant does not attend on the date and at the time shown the court may make an order in [his] / [her] absence.]

**Costs**

1. The costs of this application are [reserved to the judge hearing the application on the return date] / [in the application] / [*specify*].

Dated [*date*]

**Note to Arresting Officer:**

Under section 39 of the Domestic Abuse Act 2021, breach of a domestic abuse protection order, without reasonable excuse, is a criminal offence punishable by up to five years’ imprisonment, or a fine, or both. It is an arrestable offence and it is not necessary to obtain a warrant.

'(1) A person who is subject to a domestic abuse protection order commits an offence if without reasonable excuse the person fails to comply with any requirement imposed by the order.'

Domestic Abuse Act 2021, section 39(1).

Under section 43 of the Domestic Abuse Act 2021, it is also an offence for a person who, without reasonable excuse, fails to comply with the notification requirements (of their name and address to the police including any changes to such details) under section 41, or notifies such information falsely, or fails to comply with the notification requirements under section 42(5).

'(1) A person (“P”) commits an offence if P—
(a) fails, without reasonable excuse, to comply with a requirement imposed by or under section 41, or
(b) notifies the police, in purported compliance with such a requirement, of any information which P knows to be false.
(2) A person who fails, without reasonable excuse, to comply with section 42(5) commits an offence.’

Domestic Abuse Act 2021, section 43(1) - (2).

**[Include if positive requirement imposed by the order]**

Failure of the defendant to keep in touch with the responsible person for supervising compliance with a positive requirement, or, failing to notify them of a change of home address or lack thereof under section 36(7) of the Domestic Abuse Act 2021 is also an offence.

‘(7) A person (“P”) who is subject to a requirement imposed by a domestic abuse protection order—

(a) must keep in touch with the person specified under subsection (2) in relation to that requirement, in accordance with any instructions given by that person from time to time;

(b) if P changes home address, must notify the person specified under subsection (2) of the new home address;

(c) if P ceases to have any home address, must notify the person specified under subsection (2) of that fact.

These obligations have effect as requirements of the order.’

Domestic Abuse Act 2021, section 36(7).

**[Include if electronic monitoring requirement imposed by the order]**

Failure of the defendant to comply with the obligations in relation to the electronic monitoring requirements under section 37(8) of the Domestic Abuse Act 2021 is also an offence.

‘(8) Where a domestic abuse protection order imposes an electronic monitoring requirement on a person, the person must (among other things)—

(a) submit as required from time to time by the responsible person, to—

 (i) being fitted with, or installation of, any necessary apparatus, and

 (ii) the inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,

(b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and

(c) take any steps required by the responsible person for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.

These obligations have effect as requirements of the order.’

Domestic Abuse Act 2021, section 37(8).

**Communications with the court**

All communications to the court about this order should be sent to:

[*court name*]

[*court address*]

Tel: [*court telephone*]

**Name and address of claimant’s legal representatives**

The claimant’s legal representatives are:

[*claimant firm name*]

[*claimant firm address*]

Ref: [*claimant firm reference*]

DX: [*claimant firm DX*]

Email: [*claimant firm email*]

Phone: [*claimant firm telephone*] (office hours)

 [*claimant firm telephone (out of hours)*] (out of office hours)

Fax: [*claimant firm fax*]