STATUTORY INSTRUMENTS

## 1997 No. 1894 (L.30)

## **MAGISTRATES COURTS**

The Family Proceedings Courts (Matrimonial Proceedings etc) (Amendment) Rules 1997

Made	28th July 1997
Laid before Parliament	31st July 1997
Coming into force	1st October 1997

The Lord Chancellor, in the exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980(1) after consultation with the Rule Committee appointed under that section, hereby makes the following Rules—

#### Citation, commencement and interpretation

**1.**—(1) These Rules may be cited as the Family Proceedings Courts (Matrimonial Proceedings etc) (Amendment) Rules 1997 and shall come into force on 1st October 1997.

(2) The Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991(2) shall be amended in accordance with the following provisions of these Rules and, in those provisions, any reference to a rule by number alone shall be construed as a reference to the rule so numbered in the said Rules of 1991.

**2.** The heading to Part II shall be amended by inserting at the end "AND PROCEEDINGS UNDER PART IV OF THE FAMILY LAW ACT 1996(**3**)".

**3.** Rule 2(1) shall be amended—

- (a) by inserting, in the definition of "application" after the words "the Act", the words "or, as the case may be, the Family Law Act 1996";
- (b) by omitting, in the definition of "court", the words "(save where section 16(5) of the Act applies)";
- (c) by omitting the definition of "family protection order"; and
- (d) by substituting, for the definition of "form", the following-

<sup>(1) 1980</sup> c. 43; the relevant amending enactment is the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 25.

<sup>(2)</sup> S.I.1991/1991; the relevant amending instrument is S.I. 1992/2068.

<sup>(</sup>**3**) 1996 c. 27.

""form" means a form in Schedule 1 to these Rules and, where a form is referred to by number, means the form so numbered in that Schedule, with such variation as the circumstances of the particular case may require;".

**4.** Rule 2(2) shall be amended by inserting at the end "or, as the case may be, in the Family Law Act 1996".

**5.** Rule 3(1) shall be amended by substituting, for the words "Subject to paragraphs (3) and (4),", the words "Subject to paragraph (3) and rule 3A,".

**6.** Rule 3(1)(b) shall be amended by omitting the words "save where section 16(6) of the Act applies," and "and, in the case of an application under section 16, at least one day,".

7. Rule 3(2)(a) shall be amended by omitting the words "which in the case of an application under section 16 shall be no later than 14 days after receipt of the application".

**8.** Rule 3(2)(c) and (4) shall be omitted.

9. After rule 3, there shall be inserted the following new rule—

#### "Applications under Part IV of the Family Law Act 1996

**3A.**—(1) An application for an occupation order or a non-molestation order under Part IV of the Family Law Act 1996 (Family Homes and Domestic Violence) shall be made in Form FL401.

(2) An application for an occupation order or a non-molestation order which is made in other proceedings which are pending shall be made in Form FL401.

(3) An application in Form FL401 shall be supported—

- (a) by a statement which is signed and is declared to be true; or
- (b) with the leave of the court, by oral evidence.

(4) An application in Form FL401 may, with the leave of the justices' clerk or of the court, be made ex parte, in which case

- (a) the applicant shall file with the justices' clerk or the court the application at the time when the application is made or as directed by the justices' clerk; and
- (b) the evidence in support of the application shall state the reasons why the application is made ex parte.

(5) An application made on notice (together with any statement supporting it and a notice in Form FL402) shall be served by the applicant on the respondent personally not less than 2 business days prior to the date on which the application will be heard.

(6) The court or the justices' clerk may abridge the period specified in paragraph (5).

(7) Where the applicant is acting in person, service of the application may, with the leave of the justices' clerk, be effected in accordance with rule 4.

(8) Where an application for an occupation order or a non-molestation order is pending, the court shall consider (on the application of either party or of its own motion) whether to exercise its powers to transfer the hearing of that application to another court and the justices' clerk or the court shall make an order for transfer in Form FL417 if it seems necessary or expedient to do so.

(9) Where an order for transfer is made, the justices' clerk shall send a copy of the order—

(a) to the parties, and

(b) to the family proceedings court or to the county court to which the proceedings are to be transferred.

(10) A copy of an application for an occupation order under section 33, 35 or 36 of the Family Law Act 1996 shall be served by the applicant by first-class post on the mortgagee or, as the case may be, the landlord of the dwelling-house in question, with a notice in Form FL416 informing him of his right to make representations in writing or at any hearing.

(11) The applicant shall file a statement in Form FL415 after he has served the application.

(12) Rule 33A of the Family Proceedings Courts (Children Act 1989) Rules 1991(4) (disclosure of addresses) shall apply for the purpose of preventing the disclosure of addresses where an application is made in Form FL401 as it applies for that purpose in proceedings under the Children Act 1989(5)."

**10.** Rule 4(4) shall be amended by omitting the words "Save where section 16(6) of the Act applies,"

11. Rules 7(4), 7(5)(a), 9(1), 10(1), 12(3), 12(4), 13(1), 14 and 16(2) shall be amended by omitting the words "under the Act".

12. Rule 8(2) shall be amended by omitting the words "Without prejudice to section 16(6) of the Act, and".

**13.** Rule 11 shall be amended by substituting, for the words "proceedings under the Act", the words "any proceedings".

14. After rule 12, there shall be inserted the following new rules—

#### "Hearing of applications under Part IV of the Family Law Act 1996

**12A.**—(1) This rule applies to the hearing of applications under the Part IV of the Family Law Act 1996 and the following forms shall be used in connection with such hearings:

(a) a record of the hearing shall be made on Form FL405, and

(b) any order made on the hearing shall be issued in Form FL404.

(2) Where an order is made on an application made ex parte, a copy of the order together with a copy of the application and of any statement supporting it shall be served by the applicant on the respondent personally.

(3) Where the applicant is acting in person, service of a copy of an order made on an application made ex parte shall be effected by the justices' clerk if the applicant so requests.

(4) Where the application is for an occupation order under section 33, 35 or 36 of the Family Law Act 1996, a copy of any order made on the application shall be served by the applicant by first-class post on the mortgagee or, as the case may be, the landlord of the dwelling-house in question.

(5) A copy of an order made on an application heard inter partes shall be served by the applicant on the respondent personally.

(6) Where the applicant is acting in person, service of a copy of the order made on an application heard inter partes may, with the leave of the justices' clerk, be effected in accordance with rule 4.

(7) The court may direct that a further hearing be held in order to consider any representations made by a mortgagee or a landlord.

<sup>(4)</sup> S.I. 1991/1395; rule 33A was inserted by S.I. 1994/3156.

<sup>(5) 1989</sup> c. 41.

#### Applications to vary etc orders made under Part IV of the Family Law Act 1996

**12B.** An application to vary, extend or discharge an order made under Part IV of the Family Law Act 1996 shall be made in Form FL403 and rules 12 and 12A shall apply to the hearing of such an application.".

15. For rules 20 and 21, there shall be substituted the following—

## "Enforcement of orders made on applications under Part IV of the Family Law Act 1996

**20.**—(1) Where a power of arrest is attached to one or more of the provisions ("the relevant provisions") of an order made under Part IV of the Family Law Act 1996—

- (a) the relevant provisions shall be set out in Form FL406 and the form shall not include any provisions of the order to which the power of arrest was not attached; and
- (b) a copy of the form shall be delivered to the officer for the time being in charge of any police station for the applicant's address or of such other police station as the court may specify.

The copy of the form delivered under sub-paragraph (b) shall be accompanied by a statement showing that the respondent has been served with the order or informed of its terms (whether by being present when the order was made or by telephone or otherwise).

(2) Where an order is made varying or discharging the relevant provisions, the justices' clerk shall—

- (a) immediately inform the officer who received a copy of the form under paragraph (1) and, if the applicant's address has changed, the officer for the time being in charge of the police station for the new address; and
- (b) deliver a copy of the order to any officer so informed.

(3) An application for the issue of a warrant for the arrest of the respondent shall be made in Form FL407 and the warrant shall be issued in Form FL408 and delivered by the justices' clerk to the officer for the time being in charge of any police station for the respondent's address or of such other police station as the court may specify.

(4) The court before whom a person is brought following his arrest may—

- (a) determine whether the facts, and the circumstances which led to the arrest, amounted to disobedience of the order, or
- (b) adjourn the proceedings and, where such an order is made, the arrested person may be released and
  - (i) be dealt with within 14 days of the day on which he was arrested; and
  - (ii) be given not less than 2 business days' notice of the adjourned hearing.

Nothing in this paragraph shall prevent the issue of a notice under paragraph (8) if the arrested person is not dealt with within the period mentioned in sub-paragraph (b) (i) above.

(5) Paragraphs (6) to (13) shall apply for the enforcement of orders made on applications under Part IV of the Family Law Act 1996 by committal order.

(6) Subject to paragraphs (11) and (12), an order shall not be enforced by committal order unless

(a) a copy of the order in Form FL404 has been served personally on the respondent; and

- (b) where the order requires the respondent to do an act, the copy has been so served before the expiration of the time within which he was required to do the act and was accompanied by a copy of any order, made between the date of the order and the date of service, fixing that time.
- (7) At the time when the order is drawn up, the justices' clerk shall—
  - (a) where the order made is (or includes) a non-molestation order, and
  - (b) where the order made is an occupation order and the court so directs,

issue a copy of the order, indorsed with or incorporating a notice as to the consequences of disobedience, for service in accordance with paragraph (6).

(8) If the respondent fails to obey the order, the justices' clerk shall, at the request of the applicant, issue a notice in Form FL418 warning the respondent that an application will be made for him to be committed and, subject to paragraph (12), the notice shall be served on him personally.

(9) The request for issue of the notice under paragraph (8) shall be treated as a complaint and shall—

- (a) identify the provisions of the order or undertaking which it is alleged have been disobeyed or broken;
- (b) list the ways in which it is alleged that the order or undertaking has been disobeyed or broken;
- (c) be supported by a statement which is signed and is declared to be true and which states the grounds on which the application is made,

and, unless service is dispensed with under paragraph (12), a copy of the statement shall be served with the notice.

(10) If an order in Form FL419 (a committal order) is made, it shall include provision for the issue of a warrant of committal in Form FL420 and, unless the court otherwise orders—

- (a) a copy of the order shall be served personally on the person to be committed either before or at the time of the execution of the warrant; or
- (b) the order for the issue of the warrant may be served on the person to be committed at any time within 36 hours after the execution of the warrant.

(11) An order requiring a person to abstain from doing an act may be enforced by committal order notwithstanding that a copy of the order has not been served personally if the court is satisfied that, pending such service, the respondent had notice thereof either—

- (a) by being present when the order was made;
- (b) by being notified of the terms of the order whether by telephone or otherwise.

(12) The court may dispense with service of a copy of the order under paragraph (6) or a notice under paragraph (8) if the court thinks it just to do so.

(13) Where service of a notice to show cause is dispensed with under paragraph (12) and a committal order is made, the court may of its own motion fix a date and time when the person to be committed is to be brought before the court.

(14) Paragraphs (6) to (10), (12) and (13) shall apply to the enforcement of undertakings with the necessary modifications and as if

(a) for paragraph (6) there were substituted the following—

"(6) A copy of Form FL422 recording the undertaking shall be delivered by the justices' clerk to the party giving the undertaking

- (a) by handing a copy of the document to him before he leaves the court building; or
- (b) where his place of residence is known, by posting a copy to him at his place of residence; or
- (c) through his solicitor,

and, where delivery cannot be effected in this way, the justices' clerk shall deliver a copy of the document to the party for whose benefit the undertaking is given and that party shall cause it to be served personally as soon as is practicable.";

(b) in paragraph (12), the words from "a copy" to "paragraph (6) or" were omitted.

(15) Where a person in custody under a warrant or order, desires to apply to the court for his discharge, he shall make his application in writing attested by the governor of the prison showing that he has purged or is desirous of purging his contempt and the justices' clerk shall, not less than one day before the application is heard, serve notice of it on the party (if any) at whose instance the warrant or order was issued.

(16) The court by whom an order of committal is made may by order direct that the execution of the order of committal shall be suspended for such period or on such terms or conditions as it may specify.

(17) Where execution of an order of committal is suspended by an order under paragraph (16), the applicant for the order of committal must, unless the court otherwise directs, serve on the person against whom it was made a notice informing him of the making and terms of the order under that paragraph.

(18) The court may adjourn consideration of the penalty to be imposed for contempts found proved and such consideration may be restored if the respondent does not comply with any conditions specified by the court.

(19) Where the court makes a hospital order in Form FL413 or a guardianship order in Form FL414 under the Mental Health Act 1983(6), the justices' clerk shall—

- (a) send to the hospital any information which will be of assistance in dealing with the patient;
- (b) inform the applicant when the respondent is being transferred to hospital.

(20) Where a transfer direction given by the Secretary of State under section 48 of the Mental Health Act 1983 is in force in respect of a person remanded in custody by the court, the justices' clerk shall notify—

- (a) the governor of the prison to which that person was remanded; and
- (b) the hospital where he is detained,

of any committal hearing which that person is required to attend and the justices' clerk shall give notice in writing to the hospital where that person is detained of any further remand.

(21) An order for the remand of the respondent shall be in Form FL409 and an order discharging the respondent from custody shall be in Form FL421.

(22) In paragraph (4) "arrest" means arrest under a power of arrest attached to an order or under a warrant of arrest.

## Applications under Part IV of the Family Law Act 1996: bail

**21.**—(1) An application for bail made by a person arrested under a power of arrest or a warrant of arrest may be made either orally or in writing.

- (2) Where an application is made in writing, it shall contain the following particulars—
  - (a) the full name of the person making the application;
  - (b) the address of the place where the person making the application is detained at the time when the application is made;
  - (c) the address where the person making the application would reside if he were to be granted bail;
  - (d) the amount of the recognizance in which he would agree to be bound; and
  - (e) the grounds on which the application is made and, where a previous application has been refused, full particulars of any change in circumstances which has occurred since that refusal.

(3) An application made in writing shall be signed by the person making the application or by a person duly authorised by him in that behalf or, where the person making the application is a minor or is for any reason incapable of acting, by a guardian ad litem acting on his behalf and a copy shall be served by the person making the application on the applicant for the Part IV order.

(4) The following forms shall be used:

- (a) the recognizance of the person making the application shall be in Form FL410 and that of a surety in Form FL411;
- (b) a bail notice in Form FL412 shall be given to the respondent where he is remanded on bail.".
- 16. For rule 24 there shall be substituted the following—

## "Setting aside on failure of service

24. Where an application has been sent to a respondent in accordance with rule 4(1) and, after an order has been made on the application, it appears to the court that the application did not come to the knowledge of the respondent in due time, the court may of its own motion set aside the order and may give such directions as it thinks fit for the rehearing of the application."

17. For rule 25 there shall be substituted the following—

# "Proceedings with respect to which a single justice may discharge the functions of a court

**25.** The following proceedings are prescribed as proceedings with respect to which a single justice may discharge the functions of a court, that is to say, proceedings—

- (a) in which an application is made ex parte for an occupation order or a nonmolestation order under Part IV of the Family Law Act 1996;
- (b) in accordance with rules 3, 3A(2), (6) and (8), 4, 6 (except paragraph (2)), 7 to 14 and 20(4).".

18. In Schedule 1—

- (a) forms MAT 8, 10, 11, 12 and 13 shall be omitted; and
- (b) at the end there shall be inserted the list of forms in Schedule 1 to these Rules and the forms in Schedule 2 to these Rules.

**19.** Subject to paragraph 10(3) of Schedule 9 to the Family Law Act 1996, rules 2 to 15, 17 and 18 shall not apply to proceedings commenced before Part IV of that Act came into force.

Dated 28th July 1997

Irvine of Lairg, C.

## SCHEDULE 1

Rule 18

# FAMILY PROCEEDINGS COURTS (MATRIMONIAL PROCEEDINGS ETC) (AMENDMENT) RULES 1997

FL401	Application for a non-molestation order/an occupation order
FL402	Notice of Proceedings [Hearing] [Directions Appointment]
FL403	Application to vary, extend or discharge an order in existing proceedings
FL404	Order or Direction
FL405	Record of Hearing
FL406	Power of Arrest
FL407	Application for a Warrant of Arrest
FL408	Warrant of Arrest
FL409	Remand Order
FL410	Recognizance of respondent
FL411	Recognizance of respondent's surety
FL412	Bail Notice
FL413	Hospital Order/Interim Hospital Order
FL414	Guardianship Order
FL415	Statement of Service
FL416	Notice to Mortgagees and Landlords
FL417	Transfer of proceedings to [the High Court] [a county court] [a family proceedings court]
FL418	Notice to show good reason why an order for your committal to prison should not be made
FL419	Order of Committal or other order upon proof of disobedience of a court order or breach of an undertaking
FL420	Warrant of Committal to prison
FL421	Notice of Discharge from Custody under Warrant of Committal
FL422	General Form of Undertaking

## SCHEDULE 2

Rule 18

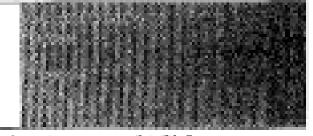
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Application for:

a non-molestation order an occupation order

Family Law, Soc (200) (Part 17).

The court



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## 2 About the respondent

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# 3 The Order(s) for which yes are applying

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 Application for a non-molestation order

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City full details in support of your application in your supporting relation

#### 6 Application for an occupation order

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## 7 Application for additional order(s) about the dwelling house

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## 11 Other Proceedings and Orders

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## This application is to be served upon the respondent

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Circle:

## Application for a non-molecution order or occupation order. Notes for Guidance

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#### Section 5

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#### Section 6

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#### Section 6 (continued)-

K54 (8) Phy/following generators give enough to help you in decide if you or the responsion; or both of you, one concludes corresponde challengenesis.

(c) dre yne tie unit iegel aaner of 'tie doerlingshoner?

By driv you and the respondent joint logal reserve of the destillage logar?

All in the respondence in the last second the dealing issue?

- 50 Department for deadling factor result instead?
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- Yes is (a) or (b) the responsive ray are in entitled period, for example, their express and her.

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#### Occupation Orders Do possible whiles one

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- percelab that manimum and items rights of the applicant second incoger on or used by the classified the other genues on to minimize with a service.

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#### Section 6 (continued)

Four should provide any coldpany which you down on the following matters in your continues in suggest of this application. If soccessity, further statements may be submitted after the application has here been.

(Carte Instructional Section 7), eVery 3 schemes allo court with accel sequences of the physical sector of the phy

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- which is you used the imprivation have have been only children, or have their heat permissi responsibility for any children.
- See largels of lose reliabilities abspread to an you and the surgranding surgraphics like suggestion.
- de existence of exp yanding proceedings between you and the expression under University (yours 2009) or 32 gifter Database def 2000 or reducing on the legist or beneficial manuality of the deatiling langes.

#### Section 7

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#### Section 8

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#### Section 50

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Notice of Proc	ordines	
[Hearing] [Directions		
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Ehart to do ment		
have is a steps of the application with this Notion. You have be lead the application area, and the octors system?.	excamped as a party in the applic	ntion.

When you go to court please take this Notice with you and show it to accourt efficial.

The Seland Periodical

Sigis 1	It is a your over briterative attend if evidence which you initial will help	a your even interspire alread the second could a theoretic on this from. You should be ready to give sep- ment which you think will help you to put your either film same.	
Noted	For legal advice	gerte a stillaiter er en schritte signety.	
		You can obtain the address of a soliciter or so eables against three factors between the balance' Regimed Directory.	
		You will find these books at a 'Citizend' Advies Berres a Law Conte alocal Henry	
		A solution of an advice again by will be able to fall you whether you may be alighter for legal and	
Note 5	If you require an interpreter	because you do not qualifinglish, you must being your own.	
		because of a dissibility, plasse contact the coset to set, what help is available.	
Nue 4	To the respondent	the following information only upplies if the applicant has applied in an operation units:	
		If the applicant has defaultion 1.4 or 8 on page 5 of the application form, the event will need any extilation without the following:	
		<ul> <li>the localing needs and resources of you, the applicant and any relevantiality</li> </ul>	
		<ul> <li>the flavoulal accuretors of yes, and the applicant</li> </ul>	
		<ul> <li>the likely affect of any-order, or of any districts not to tasks an order, or the leadsh, suffery and well being of yes, the applicant and any relevant child</li> </ul>	
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		If the applicant line fielded from 2, the areas will used any studiable articlescent)	
		<ul> <li>the locating peeds and reasoners of you, the applicant and relevant diff.</li> </ul>	
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		<ul> <li>the likely effect of any order, or of any decision not to make an order, or the leadth, suffry and well being of you, the applicate ordery velocement/sit.</li> </ul>	
		<ul> <li>the constant of you and the applicant in relation to such other and otherwise</li> </ul>	
		<ul> <li>the length off-time that is maligned since you and the applicant consider live together.</li> </ul>	
		<ul> <li>the length of time that the stepsed since the marriage was depointed or availed</li> </ul>	

	the existence of any pending proceedings between you and the applicant.
	<ul> <li>under storikes 20A sifetim Mitchenonial Couper Ant 1970-(property selimiterationism in consection with director proceedings-stor)</li> </ul>
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	nucleo Rabadada 2 para 1(2)(4) or (6) of the Children Act 1989 (accless for file-anded cells ('against parents)
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	reducing to the legal or beneficial streamship of the shortling locase
il ile milita	applicant has tolard has 2, the court will need key arailable or of
-	the languing week and resources of provide applicant and any eclorate child
	the floatedial concentrate of you and the applicant
•	tim Bindy offices of way order, or of any decision set to make an order, control-basich, eatry and well being of yes, the applicant and any relevant of the
-	the equaliset of your and the applicant in relation to each other - and otherwise.
	the second of you got the opplicant's relationship
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	whether you and the applicant have way shildens, or have both - budge-metal responsibility for any shifting
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ar Ar D	psication to vary, extend or decharge order in existing proceedings () Con ad 1000 (Non 10) resort to which you are applying in the which you are applying in the which manipped edu
1	About you (the applicant)
	Statt your drift, Sill tarset, address, telephone member and date of highlight (Physics 'R). (Specific and address of highlight (Physics 'R). (Specific and address of highlight (Physics 'R).)
	State pour solid its 's menu, address, address, staphone, FAX and CXI atombers.
	If yes, and already a party to fire case, give year description (the example, applicant, respondent or offset).
2	The order(i) for which you are applying <i>time-mail</i> are you're mir-franke. I en applying to may mirail dashage
	the order dates:

extended please give details of the order which you would like the court to onthe:

Tollik implexies a cmp measure identity as arise involving presenting-

## 3 Your coses(s) for applying

State beloffy your rescore for applying.

## 4 Person(s) to be served with this application

For-each respondent to this application entry the title, bull more and address.

Signal (Applicant)  $\Omega_{\rm SD}$ 

	In the	Caro: Mambur
[Order]	[Direction] Number Leve Aut 1996	Shoat of

and the second second

	In the	Casar Maindear
[Order]	[Direction] Family Law Act 1996	Sheat of

Othered by	(Mit) (Mit) Autice
	[He] [Net] Honow Judge
	(Deputy) District and pr (of the Family Division)
	Anatom(p) of the Plane
	[Aprildent] Recorder
	Clinix (Crite Court
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FLOT Side of Section.

## Orders under Family Law Act 1996 Part IV

(General Jacobics, followed ity History A or Matter 3 and succedent) options as appropriately

#### Mating A - only includes non-ordered tree order - genal nation matchings

Important Notice to the Respondent [name]

This order gives you instructions which you must follow. You should send it all corefully. If you do not understand anything in this order you should go to a selicitor, Legal Advice Centre or Citizens Advice Europe. You have a sight to ask the event to change as cancel the order but you must along it unless the court does change or cancel it.

You must abuy the instructions contained in this order. If you do not, you will be guilty of contempt of court, and you may be suit to private.

#### Markes B - artist data not durbale non-melionature ender - "penal nation discontinuary

#### Important Notice to the Respondent [norw].

This order gives you instructions which you must follow. Too should read it all contribuily. If you do not understand anything in this order you should go to a solicitor. Legal Advice Cantra or Officers Advice Bureau. Too have a right to ask the court to change as saved the order but you must obey it unless the court does change or cancel it.

You must obey the instructions contained in this order. "IN you do not, you will be gathy of contempt of court, and you may be sent to prison.]

## Occupation orders under (33 of the Family Law Act 1996)

 The court docharas that the applicant [name] is writtled to eccupy [address of large or initiation losse] as [higher] horse. OR

 The coart declares that the opplicent [smac] has matrixenial home rights in [solares of home or intendollowed]. AND/OR

 The court declares the the applicant [name]'s matricantial home rights shall not and when the respondent [name] doe or their reactings is dissolved and shall continue until......er further order.

## It is undered that:

 The respondent [same] shall effort the applicant [same] to compy [althus q/kowe or intenial lowe] OB.

 The respondent [name] shall allow the applicant [norm] to eccupy part of [address g/lower or introductioner] namely: [quarify part]

 The suspendent (name) shall not elatraci, haves so interfere with the applicant [name]'s presential accupation of [obliver of have or dutioned lines]

The respondent [rana] shall not earnyy [ullbest c] items or intended laten.] OR.

 The respondent [cause] shall non-nampy [address of lases or intended lases] from [quality-left] with [procify-left] OR.

 The sequenciest [mass1] shall not excupy [specify pert of solitons of home or intended level ANE/OR

The corporator? [name] shall not compy (without or part of address) between [specify alreasy times].

 The respondent [canal] shall leave [althest or part of address] [forthwith] [within [harsy/legt] at savies on [hirshef] of this order.] AND/OB.

 Having lob (whites or part of attimu), the respondent [name] shall not return to, cates as attempt to order [or go within [good]) shallow[st] is.

## Occupation orders under 1023 & 58 of the Jacoby Law Act 1996.

## It is undered that

 The applicant [name] has the right to excupy [address of home or introductions] and the respondent (name) shall allow the applicant [name] to do to OR.

 The respondent [name] shall not exist or exclude the applicant[name] iron [akbess of know or intended here] or any part of it namely [april]; part]. AND/OR

The respondent [name] shall not eccupy [address of how or introded hous]. OR

 The respondent [same] shall not compy [ablent of longr or intended hour] licen. [specify-date] total.[specify-date] OR

 The respondent [name] shall not encopy ]specify part of others of isome or initialial head] OR

 The respondent (name) shall have (address or part of address) [forthwith] (within [incry/lings] of service on [hispher] of the order.] AND/OR.

 Having left (address or part of address), the respondence (name) shall not accurate, enter or attempt to enter (or go within (specify detected) of (a).

## Occupation orders under as07 & 38 Family Law Act 1995

### It is ordered that

 The respondent [name] shall allow the applicant [name] to eccupy [othere of lower or intended lower] or part of k namely: [apart/j]. AND/OR

 [One or both of the provisions in paragraphs 0 & 10 above may be inserted] AND/OR

 The proposition (carror) shall fourte (address or part of obliving) (institution) (within (instability)) of surviva on (biosfor) of this order), AND/08.

 Having laft (address or port of address), the respondent (nerse) may not return to, enter or attempt to enter [or go within [apon() distance] at] it.

# Additional provisions which may be included in compation gaders made under sold, 35 or 36 of Family Low Act 1996

## It is unlessed that

 The [apphaset [come]] [responded [come]] shall maintain and repair [olderss of here or intended herea) AND/OR.

 The [applicant [second] [sequences ] shall pay the rest for [others of icons or intended.hence]. OB

25 The [applicent (none]] (respondent (none]] shall pay the manipage payments on [athen aftern or interded here]. OB.

 The [opplicent (name], [oppendent [name]] shall pay the following the [addess of house or indexial datase]: [open[5] antgoings or indist points].

 The [sorty is compution] shall pay to the [other perty] 6. each [reek, events, and [see [solidence/Flower etc].

 The (party in acception) shall loop and use the [involved [contents] [quarky if responses] at [address of home or intended home] and the [applicant (some)] (repeater) (some)] shall necess to the [party is acception] the [involved [contents] [quarky if accesses] [so into flow [inteffere]].

The [purity in computing] shall take presentable care of the [functions] [contents] (specify dimensionly] of [editors at lease or intended lease].

[5]. The [party is non-puties] shall take all researcable steps to keep secure. [address of items or interchal lows] and the furniture or other contents (specify ("securery)].

## Duration.

## Occupation orders under \$33 of the Pamily Law Act 1996

- This order shall last until (specify corrector date), OR.
- This order shall last total a farther order is made.

## Occupation orders under sold & 37 of the Family Late Act 1996

34. This codes shall lost until [state date which must not be more than 6 months from the date of this order].

36. The comparison order made on [state dath] is estanded until [state date which want out is more flags & months from the date of life estantion].

## Occupation orders under sold & 38 Family Law Act 1986

 This order shall lass santil [store date which must out be more than 6 months from the date of this order].

 The accupation order made on [state deta] is extended until [state date which sense set: in more than 6 mentio from the date of the extension] and must end on that date.

## Non-molestation orders

## D is ordered that

38. The respondent [name] is forbidden to use or threaten violence against the applicant [name] [and must not instruct, encrurage or in any may suggest that any other person should de co]. AND/OR

 The respondent [name] is invisible to initialize harms or paster [or [specify[] the applicast [name] [and must not instruct, entropying or in any way suggest that any other percent should dense]. AND/OR

40. The respondent [second] is invisible to use or threaten violence against the relevant child(sec) (nemeja (and data)) al birth [seed must not instruct, encrorange at in any way suggest that any other person should do so]. AND/OR

41. The respondent (name) is herbidden to intimidate, hause or paster [or [spec]]/[[the relevant child(see) [case(i)] and date(i) of Nith] [and must not instruct, encourage or in any one magger that any other person should do tol.

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The Court-heard and evidence (or only) of			

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	In the		
200000		Case Namber	
	Power of Arrest Facily Law Act 1995		
		Applicant Ref Despandent Ref	
The Court orders that	a prove of served applies to the deficiving paragraphs	at an order made under this Art on	
den erse den problem af den der mobilitätigener af vereitig stadiotigetige ober			
Power of Arrest	The court is calculated that the programment has taked as (hep-limited) [and] [an] the following ch((d)(on))	farmond violence spaller for	
This Peacer of	[and that there is a visit of significant been to the sp attribution to the association of the responsion if the p internalistaty]. A govern of armst is standard to the order whereby a given by restline 42(5) of the Family Law Art 1996) the constitution are processed to cause for respective of any provision to which the power of armst is star-	esser of sensitia not attached gy operatolia may (ander the parent parent without wassest the respitation If g that the respondent may be in breach	
Arrest expires we			
Note to the Arresting: Officer	Where the respondent is accessed only the power gr Act 1996, that maning requires that the comparison event is investigation for the rest		
	and if the matter is not then disposed of Serberth	for ones may research the respondent.	
	Naching in motion 47 matterings for detection of the period of 24 hours beginning at the time of the stress The period of 24 hours also be include Christman	(, polere reasonini by the exact.	
Ordered to	[Not][Not().Aution		
	[Wit] [Hor] Hawar Jodge		
	[Deputy]Date to Eulgr [ef the Family Division]		
	Resident) ( ef de Texan L'Assistent Resenter		
	Personal second		
02			

FLAM Provide Street.

## In the

Case Number

## Application for a Warmart of Arrest

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And a second sec	The roupers	doer fran disarkeyind the neda	e júr hætiken dæru	ndertal/in	£k;≠		

Segned.

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EAST Application for a second of local

In the Case Number Warrant of Arrest Family Law Art 1996. Applant h¢. his product 8a The Court directs: all pales considers, the detriet (algo and fed 20) (and for Types P of the High Cost) to arout the respondent where address is (bulleved to he): and is long the supported before this court immediately. mapplication, cappened by [avera written statement] [avidores or cells]. Out the The Coast heard respondent had displayed the roller made 00 [rispicater] [Courty] [High] Court 10. Unit Ъę. [Notice of bail] On arrows, the respondent shall be released as bailt meetering into a recognization in the sort of [3]. I. 1 [and on providing.] \_ ] meetly[ [int] in the new of [6]. Band (A Sandradges to do following conditions: Т The Next Heaving is -100 80 (es) (sel) canaday and an activa to be specified [] [20] [Mai] Justice. Octored by: (He) (He) Horse Julys District Judge (of the Passily Civilian) hadio()) of the Proce. (Applicant) Recorder 100 The main share

ANAGA	In the			
		Case Number		
	Remand Order Sanis Levine 1995			
		Applicest Bef		
		Raspositeri Agt		
The Court extern East	the corpordent is persented in entirely in until the contributing [wirward on/heil] [meaneded to entitle a medical examination and report to immake and/or sevilar 30 of the Manual Hostik Aut 1983.]			
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further orders that]		Hampled		
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	(and peoplegister inter to that they below 7 Ages, a piece of solvy, second	the suggestion is to be detailed at		
	and conveyed them by*	1		
The Court heard that	an under had been stable on			
	etr	Magimour'  (County)  (Egh) Count		
	and that for requestion had discharged the only. by			
[The Court [heard] [considered]]	[the [websel] emidence of a medical gractitioner, state	þ.		
Public Date Her Armana	as required by the previousness of section 31 of the Mank suppositest is sufficing from [mankal illinois] [investor of their Act.]	el Houbb Aux 1980 that the articl impairment) within the metering.		

[Notice of ball]	(The respendent shall be calcased as hall:
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	• [but in providing ] = $ mrrr[r](in) $ in the num of $ k  = 1$ [and $ k  = 1$ ]
	<ul> <li>[and subject to the following condition(x): [fast a medical maximum and report in made on the suggestion and reaction 20 of the biastal Health Act 2003.]</li> </ul>

The next bearing is		 ject inst
Onlowed By	[Mid (Min) Austice	
	(Hei) [Her] Henour Judge	
	District Parist [of the Feedby Division]	
	Aution[i] of the Pener	
	(Asktad)Reader	
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In the

Case Number Recognizance of respondent Family Law Act 2994 Applicant 6<u>8</u>. Reportent  $M_{i}$ About you. Vour name. Year adds Your undertaking Typescalar to pay to the coast the sum of E #1 do not somply with the fullening condition. The condition is I appear beloe the sourt 64 622 -88 land (per) 61 or at any place place and time which may be entered.

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In the

	Case Number
	Recognizance of respondent's surety Testy Lee Ari 1994
	Applitant Raf Engender Raf
About the respondent Name	
Address	
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# Magistrates' Court

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### Notice To Show Good Reason why as Order for Your Committal to Prison should not be reade

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## Important notes

- The Court has the power to send you to prive: if it finds that say of the allegations scale against you are true. Pull details of the allegations are contained in the applicant's entropyed.
- Variational intend scores we the data above on the fract of this form. It is in your over interest to do as. You decoded being any witnesses and documents with you which you this could help you put your also of the trac.
- If you can show good measure why you should not be sent to prive you want tail the Coart.
- If you need advice you should allow this document at once to your field that is go to a Chierron'Advice Braces.

# Magistrates' Court

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# Magistrates' Court

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# Magistrates' Court

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#### **EXPLANATORY NOTE**

(This note is not part of the Rules)

These Rules amend the Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991 so as to provide for the making of applications under Part IV of the Family Law Act 1996 (Family Homes and Domestic Violence) and for the enforcement of orders made under that Part.

The 16 enables magistrates to set an order aside where there has been failure of service.