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## Civil Injunction and Court Orders <sup>[1]</sup>

For Advice on Civil Injunctions and Court Orders, Contact our Team Today



## Non Molestation and Occupation Injunctions

There are two main injunctions that can be obtained if you are married, in a civil partnership <sup>[3]</sup> or live together <sup>[4]</sup>, these are;

### Non Molestation Order

This is put in place to stop your spouse, civil partner or partner harassing you or using, or threatening to use, violence against you or your child, this is commonly called an injunction against harassment.

### Occupation Injunction

These enable you to have occupation of your home to the exclusion of your spouse, civil partner or partner.

## How can I apply for a Civil Injunction?

In order to apply for either a non molestation order or occupation order under the Family Law <sup>[5]</sup> Act 1996, you must be an associated person. This means you must be related to each other in one of the following ways:

- you must be or have been married to each other
- you must be or have been civil partners <sup>[3]</sup> of each other
- you are or have been cohabitants <sup>[6]</sup>
- you have lived in the same household other than as tenants, lodgers, borders or one being the employee of the other
- you are related

- you have formally agreed to be married (are engaged) or enter into a civil partnership
- you have entered into a civil partnership agreement [3]
- you have or have had an intimate personal relationship with each other which is or was of significant duration
- you are both parents of the same child or have parental responsibility [7] over the child
- you are both involved in family court proceedings together.

## What happens if an Injunction is broken?

If a non-molestation order is broken this is in fact a criminal offence and the police have the power to arrest a perpetrator simply for breaking the order and bring them before the court.

An occupation order can have a power of arrest attached to it allowing a police officer to arrest the other spouse or partner for breaking the order even if there is no criminal offence.

If you have concerns relating to issues of domestic violence and you believe you need a civil injunction, we are able to advise as to the likely outcome of any application made to the court and furthermore, make any such application as is necessary and represent you throughout the proceedings.

**Are you looking for advice on injunctions and court orders? Call our experienced team today on 0121 746 3360 to arrange an appointment or [complete our online contact form](#)**

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### Links

[1] <https://www.sydney Mitchell.co.uk/services-individuals/family-law/court-and-injunction-order>

[2] <https://www.sydney Mitchell.co.uk/contact>

[3] <https://www.sydney Mitchell.co.uk/services-individuals/family-law/civil-partnership>

[4] <https://www.sydney Mitchell.co.uk/services-individuals/family-law/living-together>

[5] <https://www.sydney Mitchell.co.uk/services-individuals/family-law>

[6] <https://www.sydney Mitchell.co.uk/services-individuals/family-law/cohabitation-rights-and-agreement>

[7] <https://www.sydney Mitchell.co.uk/services-individuals/family-law/separation-and-divorce/child-law>