

injunctions

Are you up to date with the latest legislation? Let the [stevensdrake](#) Family Department advise you.

Did you know that there were over 80 injunction applications made at Horsham County Court in 2009? There is no reason to tolerate violent or harassing behaviour. Protection can be sought through the Courts and the police.

At [stevensdrake](#) we can help you obtain swift protection by court application. Depending on your circumstances, injunction proceedings can be commenced under either The Family Law Act 1996 or The Protection from Harassment Act 1997.

The Family Law Act 1996

This Family Law Act 1996 offers protection to the victims of violence who suffer violence because of a family relationship. There have been recent changes to the law so that more individuals are covered - please contact us to discuss if you fall within a category that is now protected.

The Court can make two types of order:

A Non-Molestation Order is an injunction granted by the Court to prevent the use or threat of unlawful violence or harassment - either directly by an individual or by him encouraging others. This sort of order can be widely drawn to prevent certain acts - including attendance at a home or place of work. Since July 2007, the breach of such an order has become a criminal offence with the Criminal Court having the power to send a perpetrator to prison for up to five years.

An Occupation Order is an order concerning the family home. The Court can exclude an individual from the property, prohibit the Respondent from returning to, entering or attempting to enter the property and can put an exclusion zone around the property. The Court can attach a 'Power of Arrest' to an Occupation Order - the effect being that a breach will lead to an arrest with the perpetrator being taken the Family Court within 24 hours. Breaching any Court Order is serious and can lead to up to two years imprisonment.

Protection from Harrassment Act 1997

Those individuals not coming within a protected category of the Family Law Act 1996 may consider an application to the Court under the Protection from Harassment Act 1997. Wide powers are available to the Court to make orders to prevent harassment - these may include orders to prevent contact of any sort or to impose exclusion zones. Orders can be sought to prevent violence where violence is anticipated. Stalking and other such intimidating behaviour can also give rise to injunction proceedings.

Things to consider:

Domestic Abuse can affect children who may witness the abuse. Are your children suffering because of witnessing abuse?

Applying for an Injunction may not be as expensive as you may think. It is sometimes possible to recover costs from the Respondent.

At [stevensdrake](#) we are sensitive to the needs of the sufferers of Domestic Violence.

We can take emergency action at short notice.

If you have been served with an injunction application we can also help you - you should never attend Court in such circumstances without taking legal advice.

For further information, our Family department can be contacted on 01293 596935.

