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OCCUPATION ORDER

GUIDANCE



What is an Occupation Order?

- Occupation Orders can be put in place to stop an abuser entering the family home, part of the family home or an area around the home or another property.
- It also can be used to re-enter a home if someone has been illegally removed from the property.
- It does not matter if the individual who is being removed has home rights to live in the property.

Who can apply for an Occupation Order?

- In order to apply for an order the applicant must be an 'associated person' to the individual they wish to take the order out against. This includes;
 - You are or were married to them
 - You are or were in a civil partnership with them
 - You are or were living together as intimate partners (cohabiting)
 - You are living or have lived in the same household
 - You have a child together
 - You are or were engaged
 - You are relatives
 - You are or were intimate partners for a significant period. The judge will decide whether the period has been significant based on the nature of your relationship with the Respondent.

How do I apply for an Occupation Order?

- In order to apply for a Non-Molestation Order, you will need to complete an FL401 form, which is the court application form.
- You will also need to provide a supporting statement, detailing the reasons why you require the protection of the court order.

How much does an Occupation Order cost?

- There is no court fee when applying for an occupation order.

How does the court decide whether to grant an Occupation Order?

- There must be evidence of abuse, which should be set out in your supporting statement
- The Judge must consider that you are in need of protection
- The Judge must be satisfied that a court order is needed to control the Respondent's behaviour.
- The likelihood of the respondent being able to find alternative housing to stay in whilst the order is in place

How long will the Occupation Order last?

- For a specific period, usually 6 months or 12 months. The court may impose an order for a greater length but this will depend on the particular facts of the case.

