



Osprey Approach: Non-Molestation / Occupation Order – Respondent

This help guide was last updated on
Apr 23rd, 2024

The latest version is always online at
<https://support.ospreyapproach.com/?p=15954>



Client Care Letter Respondent

{ MERGEFIELD LINKNAME_TITLE_1 } { MERGEFIELD
LINKNAME_INITIALS_1 } { MERGEFIELD
LINKNAME_SURNAME_1 }
{ MERGEFIELD CALCULATION_ADDRESS }

Your Ref:

Our Ref:
{ USERINITIALS * Upper }/{
MERGEFIELD "Client_No" }/{
MERGEFIELD "Matter_No" }

Please ask for:
{ MERGEFIELD
CALCULATION_FEE_E
Date:
{ DATE \@ "dd MMMM
yyyy" } { SET LtrDate {
DATE \@ "d MMMM
yyyy" }}

Dear { MERGEFIELD LINKNAME_TITLE_1 } { MERGEFIELD LINKNAME_SURNAME_1 },

RE: { MERGEFIELD MATTER_MATTER_DESCRIPTION }

I am { MERGEFIELD CALCULATION_FEE_EARNER_DESCRIPTION }, a { MERGEFIELD
CALCULATION_STATUS_DESCRIPTION }, in the Family Department. I will have conduct
of your matter throughout. I am supervised by { MERGEFIELD
CALCULATION_EXECUTIVE_NAME } who will also be aware of your matter.

Your Instructions

Our Advice

Domestic abuse includes all types of abuse, including physical violence, sexual, psychological, financial and emotional abuse between people who are or were in a relationship, or are family members over the age of 16.

Some forms of domestic abuse are criminal offences and should be reported to the police. The law also allows for individuals to apply for orders to protect themselves, called 'non-molestation' and 'occupation' orders.

A non-molestation order is used to prevent a person, the Respondent, from carrying out certain acts. The order prohibits the Respondent from using or threatening violence against the Applicant or a child, or molesting them. The term 'molesting' covers a wide array of behaviours, including direct physical harm such as punching, spitting or verbal abuse or indirect harm such as pestering, persistent abusive messages or pestering/intimidation via a third party.

A non-molestation order can also be used to keep the Respondent away from a certain area, for example prohibiting them from entering a defined area surrounding the Applicant's house or workplace, or keeping them away from a child's school.

For the Court to make an order, there must be evidence of the Respondent's behaviour, that the Applicant and/or a child need protection and that the Respondent's behaviour can only be controlled through obtaining an order.

The Court have, in this instance, made an order, which will remain in force until XX.

If you breach the order, irrespective of the act you commit, it is a criminal offence. The punishment for this offence is up to five years' imprisonment.

An occupation order is used to determine who can live at the family home. It can be used to either prevent someone from living at the family home, or set out rules for sharing the family home.

The making of an order will depend on the rights of both parties to live at the home and their relationship. The Court will consider whether the Applicant would suffer significant harm if an occupation order is not made.

Other factors the Court will consider, are both parties' housing needs and financial resources and the conduct of each party towards the other. The order is intended to set out temporary living arrangements to give you and the Applicant time to organise where you will live and how to divide your property.

An occupation order usually expires after six months, however it is possible to apply for a further order at that time, if necessary.

Sometimes the Applicant will feel it is necessary to apply for an order 'without notice'. This means that you are not notified about the application being made and the Court will make a decision without hearing from you. Without notice applications are made where the Applicant considers it would put their safety in danger if you were to be told about the application, or where the Applicant believes you might try to prevent or persuade the Applicant not to make the application. This type of application is also sometimes referred to as 'ex-parte'.

Since the order has been made without notice, the Court will always schedule a hearing as soon as possible to allow you to respond to the application. This has been set on XX.

Next Steps

I will need to prepare your response statement prior to the return hearing, as this enables you to set out your version of events and respond to those set out by the Applicant.

I will also require you to sign and return the enclosed client care documentation as soon as possible.

If you have any questions, please do not hesitate to contact me. I would encourage you to send any responses via our secure online portal where you will also be able to check the progress of your case. If you have any trouble accessing the internet would you please let me know. We send documents out to you via our secure portal to protect your personal data, however if you are unable to access the internet easily, I can arrange for correspondence to be sent to you via post or another means.

I look forward to hearing from you.

Yours sincerely,

{ MERGEFIELD "CALCULATION_FEE_EARNER_DESCRIPTION" }
{ **MERGEFIELD PRACTICEINFO_PRACTICE_NAME** }

Notice of Acting - Respondent

CASE NO: { MERGEFIELD FW_INJ_APP_FW_INJ_CASENO }
IN THE { MERGEFIELD FW_INJ_APP_FW_INJ_COURT_compname }

B E T W E E N:

{ MERGEFIELD FW_INJ_CLIENT_FW_INJ_APPFORE } { MERGEFIELD
FW_INJ_CLIENT_FW_INJ_APPSURN }

Applicant

-and-

{ MERGEFIELD FW_INJ_RESP_FW_INJ_RESPFORE } { MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPSURN }

Respondent

NOTICE OF ACTING

TAKE NOTICE that we { MERGEFIELD PRACTICEINFO_PRACTICE_NAME } of {
MERGEFIELD PRACTICEINFO_HOUSE }, { MERGEFIELD
PRACTICEINFO_AREA }, { MERGEFIELD PRACTICEINFO_POSTAL_TOWN }, {
MERGEFIELD PRACTICEINFO_POSTCODE } have been appointed to act as
Solicitors for the above-named Respondent generally/limited to the following matters
only:

Our address for service is:

{ MERGEFIELD PRACTICEINFO_DX_NO }
{ MERGEFIELD PRACTICEINFO_HOUSE }
{ MERGEFIELD PRACTICEINFO_AREA }
{ MERGEFIELD PRACTICEINFO_POSTAL_TOWN }
{ MERGEFIELD PRACTICEINFO_POSTCODE }

Ref: { MERGEFIELD client_no }/{ MERGEFIELD matter_no }

Dated: { SET LETTER{ DATE \@ "d
MMMM yyyy" } }{ref LETTER \@ "d
MMMM yyyy" \ * MERGEFORMAT }

Signed:

{ MERGEFIELD
PRACTICEINFO_PRACTICE_NA
ME }

For the Respondent

To: The Court
Applicant

Statement Template - Respondent

Case No: { MERGEFIELD FW_INJ_APP_FW_INJ_CASENO }
{ MERGEFIELD FW_INJ_APP_FW_INJ_COURT_title }
BETWEEN:

**{ MERGEFIELD FW_INJ_CLIENT_FW_INJ_APPFORE } { MERGEFIELD
FW_INJ_CLIENT_FW_INJ_APPSURN }**

Applicant

-and-

**{ MERGEFIELD FW_INJ_RESP_FW_INJ_RESPFORE } { MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPSURN }**

Respondent

STATEMENT OF THE RESPONDENT

I, { MERGEFIELD LINKNAME_FORENAME_1 } { MERGEFIELD
LINKNAME_SURNAME_1 } of { MERGEFIELD CLIENT_HOUSE }, { MERGEFIELD
CLIENT_AREA }, { MERGEFIELD CLIENT_POSTAL_TOWN }, { MERGEFIELD
CLIENT_COUNTY } { MERGEFIELD CLIENT_POSTCODE }, will say as follows:

1. I make this statement in accordance with XXX

I believe that the facts stated in this witness statement are true.

Statement of Truth

Signed

Dated

Letter Court - File Statement

& Notice Respondent

{ MERGEFIELD FW_INJ_APP_FW_INJ_COURT_compname }
{ MERGEFIELD FW_INJ_APP_FW_INJ_COURT_address }

Your Ref:

Our Ref:
{ USERINITIALS * Upper }/{
MERGEFIELD "Client_No" }/{
MERGEFIELD "Matter_No" }

Please ask for:
{ MERGEFIELD
CALCULATION_FEE }
Date:
{ DATE \@ "dd MMMM
yyyy" } { SET LtrDate {
DATE \@ "d MMMM
yyyy" } }

Dear Sirs,

**RE: { MERGEFIELD LINKNAME FORENAME 1 } { MERGEFIELD
LINKNAME SURNAME 1 } v { MERGEFIELD FW_INJ_RESP_FW_INJ_RESPFORE } {
MERGEFIELD FW_INJ_RESP_FW_INJ_RESPSURN }
Case No. { MERGEFIELD FW_INJ_APP_FW_INJ_CASENO }**

We act for the above-named Respondent and enclose herewith our Notice of Acting, together with our client's statement. We should be grateful if these could be placed on the Court file.

Yours faithfully,

{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME }

Initial Letter to Applicant's

Solicitor


```
{ MERGEFIELD FW_INJ_CLIENT_FW_INJ_APPSOLOR_name
}
{ MERGEFIELD FW_INJ_CLIENT_FW_INJ_APPSOLOR_dxno
}
```

Your Ref:

Our Ref:
{ USERINITIALS * Upper }/{
MERGEFIELD "Client_No" }/{
MERGEFIELD "Matter_No" }

Please ask for:
{ MERGEFIELD
CALCULATION_FEE_EARNER_DESCRIPTION }
Date:
{ DATE \@ "dd MMMM
yyyy" } { SET LtrDate {
DATE \@ "d MMMM
yyyy" }}

Dear Sirs,

**RE: { MERGEFIELD FW_INJ_CLIENT_FW_INJ_APPFORE } { MERGEFIELD
FW_INJ_CLIENT_FW_INJ_APPSURN } v { MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPFORE } { MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPSURN }**

We confirm we act for the above-named Respondent and enclose herewith our Notice of Acting and our client's Statement which we have also filed with the Court.

We look forward to hearing from you with preliminary documents in readiness for the return date hearing. We shall send our client's statement as soon as possible.

Yours faithfully,

```
{ MERGEFIELD "CALCULATION_FEE_EARNER_DESCRIPTION" }
{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME }
```

Return Date Hearing Outcome

{ MERGEFIELD LINKNAME_TITLE_1 } { MERGEFIELD
LINKNAME_INITIALS_1 } { MERGEFIELD
LINKNAME_SURNAME_1 }
{ MERGEFIELD CALCULATION_ADDRESS }

Your Ref:

Our Ref:
{ USERINITIALS * Upper }/{
MERGEFIELD "Client_No" }/{
MERGEFIELD "Matter_No" }

Please ask for:
{ MERGEFIELD
CALCULATION_FEE_EARNER_DESCRIPTION }
Date:
{ DATE \@ "dd MMMM
yyyy" } { SET LtrDate {
DATE \@ "d MMMM
yyyy" } }

Dear { MERGEFIELD LINKNAME_TITLE_1 } { MERGEFIELD LINKNAME_SURNAME_1 }

**RE: { MERGEFIELD FW_INJ_CLIENT_FW_INJ_APPFORE } { MERGEFIELD
FW_INJ_CLIENT_FW_INJ_APPSURN } v { MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPFORE } { MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPSURN }**

Further to the hearing of { MERGEFIELD FW_INJ_DATES_FW_INJ_RETRN \@ "d
MMMM yyyy" }, I write to confirm the outcome as follows.

Yours sincerely,

{ MERGEFIELD "CALCULATION_FEE_EARNER_DESCRIPTION" }
{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME }

Final Hearing Outcome Letter

{ MERGEFIELD LINKNAME_TITLE_1 } { MERGEFIELD
LINKNAME_INITIALS_1 } { MERGEFIELD
LINKNAME_SURNAME_1 }
{ MERGEFIELD CALCULATION_ADDRESS }

Your Ref:

Our Ref:
{ USERINITIALS * Upper }/{
MERGEFIELD "Client_No" }/{
MERGEFIELD "Matter_No" }

Please ask for:
{ MERGEFIELD
CALCULATION_FEE_EARNER_DESCRIPTION }
Date:
{ DATE \@ "dd MMMM
yyyy" } { SET LtrDate {
DATE \@ "d MMMM
yyyy" } }

Dear { MERGEFIELD LINKNAME_TITLE_1 } { MERGEFIELD LINKNAME_SURNAME_1 },

**RE: { MERGEFIELD FW_INJ_CLIENT_FW_INJ_APPFORE } { MERGEFIELD
FW_INJ_CLIENT_FW_INJ_APPSURN } v { MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPFORE } { MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPSURN }**

Further to the final hearing of { MERGEFIELD FW_INJ_DATES_FW_INJ_FH \@ "d
MMMM yyyy" }, I write to confirm the outcome as follows.

Yours sincerely,

{ MERGEFIELD "CALCULATION_FEE_EARNER_DESCRIPTION" }
{ MERGEFIELD PRACTICEINFO_PRACTICE_NAME }

Brief to Counsel

CASE NO: { MERGEFIELD FW_INJ_APP_FW_INJ_CASENO }
IN THE { MERGEFIELD FW_INJ_APP_FW_INJ_COURT_compname }

BETWEEN:

{ MERGEFIELD LINKNAME_FORENAME_1 } { MERGEFIELD
LINKNAME_SURNAME_1 }

Applicant

-and-

{ MERGEFIELD FW_INJ_RESP_FW_INJ_RESPFORE } { MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPSURN }

Respondent

BRIEF TO COUNSEL

Counsel will find enclosed:

1. Bundle
2. Legal Aid Certificate

Background:

Should Counsel have any questions or wish to discuss anything would he/she please contact { MERGEFIELD CALCULATION_FEE_EARNER_DESCRIPTION } of Instructing Solicitors.

Dated: { DATE \@ "dd MMMM yyyy" }

CASE NO: { MERGEFIELD FW_INJ_APP_FW_INJ_CASENO }

IN THE { MERGEFIELD FW_INJ_APP_FW_INJ_COURT_compname }

BETWEEN:

{ MERGEFIELD LINKNAME_FORENAME_1 } { MERGEFIELD
LINKNAME_SURNAME_1 }

Applicant

-and-

{ MERGEFIELD FW_INJ_RESP_FW_INJ_RESPFORE } { MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPSURN }

Respondent

BRIEF TO COUNSEL

Counsel: { MERGEFIELD FW_INJ_APP_FW_INJ_CHAMBERS_name }
{ MERGEFIELD FW_INJ_APP_FW_INJ_CHAMBERS_address }

Solicitor: { MERGEFIELD PRACTICEINFO_PRACTICE_NAME }
{ MERGEFIELD BRANCHINFO_HOUSE }
{ MERGEFIELD BRANCHINFO_AREA }
{ MERGEFIELD BRANCHINFO_POSTAL_TOWN }
{ MERGEFIELD BRANCHINFO_COUNTY }
{ MERGEFIELD BRANCHINFO_POSTCODE }

{ IF { MERGEFIELD BRANCHINFO_DX_NO } <> "" "DX: «BRANCHINFO_DX_NO»"
"" }

Tel: { MERGEFIELD BRANCHINFO_PHONE_NO }

Fax: { MERGEFIELD BRANCHINFO_FAX_NO }

Ref: { MERGEFIELD "MATTER_FEE_EARNER_ID" * Upper }/{ MERGEFIELD
client no }/{ MERGEFIELD matter no }