Schedule	Rule 6
Schedule	Rule 6

Form	F1Application	for a non-molestation	n order/an	occupation	orderFamily	Homes	and I	Domestic
Viole	nce (Northern I	reland) Order 1998						

,	
of	Petty Sessions District of
Δ	pplicant.
oť	County Court Division of
Re	spondent
	· '
Please read the acco	mpanying notes as you complete this form
1. About you (the applicant)	
State your title (Mr. Mrs etc birth (if under 18)	c), full name, address, telephone number and date of
State your solicitor's name,	address, reference, telephone, FAX and DX numbers:
2. About the respondent State the respondent's name	address and date of birth (if known):
3. The Order(s) for which yo	ou are applying
This application is for:	
a con-molestation order	
an occupation order	And the second testing and the second
heing given to the respo	sh the court to hear your application without notice adent. The reasons relied on for an application being ast be stated in the statement in support.
4. Your relationship to the application)	respondent (the person to be served with this
Your relationship to the resp	pondent, is:
Please tick only one of the will help you to decide wh	following. The accompanying notes on Section 4 ich category is most applicable to you.
1. Married	
2. Were married	
3. Cohabiting	
 Were cohabiting 	

5. 🗔	Both of you live or have lived in the same household
6. Fil	Relative
	State how related
7. 🗆	Agreed to marry.
	Give the date the agreement was made. If the agreement has ended, state
	when.
_	Both of you are parents of or have parental responsibility for a child.
9. 📙	One of you is a parent of a child and the other has parental responsibility for that child.
10. [One of you is the natural parent or grandparent of a child adopted or freed—for adoption, and the other is:
	(i) the adoptive parent
	or (ii) a person who has applied for an adoption order for the child
	or (iii) a person with whom the child has been placed for adoption
	or (iv) the child who has been adopted or freed for adoption
	State whether (i), (ii), (iii) or (iv).
H. 📋	Both of you are parties to the same family proceedings (see also Section 11 below).
5. Applica	ation for a non-molestation order
If you	vish to apply for a non-molestation order, state briefly in this section the on want.
Give fu	Il details in support of your application in your supporting evidence.
6. Applies	ation for an occupation order
If you o this Fo	lo not wish to apply for an occupational order, please go to section 9 of $^{\circ}$ rm.
(A)	State the address of the dwelling-house to which your application relates:
(B)	State whether it is occupied by you or the respondent now or in the past,
. ,	or whether it was intended to be occupied by you or the respondent:

ıcı.		following c	-				-
(0.)	State	whether you.	Yes	a in nec	ազթյա ⊟	No	g nouse:
	If yes,	. explain why				110	
(D)	State	whether the (respondent	l is entit	led to	occupy th	ic dwelling-h
	If yes,	cxplain why	Yes y:			Na	
	On th	ne basis of y 1 to 5 below	our answ v to show	er to (C the cute	C) and egory	l (D) abo into whic	ve, lick one h you fit.
	1.	or a person	who is en crest or co	titled to attact o	occup r by vi	oy ft by v irtue of au	the dwelfing- irate of a ben by chactment
			between	you and			dispute or po about your ri
	2.	A former s respondent				right to	occupy whe
	3.	A cohabitan where the riso entitled.	it or former espondent	r cohabit cohabit	tant wi ant or	th no exis former co	ting right to o chabitant is al
	4. [A spouse or the respond	r former sj ent spouse	pouse w or form	ho is a ser spo	not entitle ouse is als	ed to occupy, so not entitled
	5. [t entitled to ochabitant is al
atrin	nonial	Home Right	ts				
		matrimonia	-	_			1.261
KC W	nether	the title to th	ne Jand 18 f	свізісте	цогц	nregistere	d (if known):
	السواد	tate the Lan	1 Danietes	folio au	kaa	/i 1 1 money	

If you wish to apply for an occupational order, state briefly here the order you want. Give full details in support of your application in your supporting

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

If you want to apply for any of the orders listed in the notes to this section, state

	what order you	would like	ny or the ord c the court to	make:	the notes to this	Section, state
8	.Mortgage and	rent				
	Is the dwelling-	house subj	ject to a mor	lgage?		
			Yes	П	No	
	If yes, please pr	ovide the	name and ad	dress of the	mo:1gagee:	
	Is the dwelling-	house rem	red?			
		1.3	Yes		No	
	If yes, please po	ovide the	name and ad	dress of the	landlord:	
9	. At the court		_			
	Will you need a	n interpret	ler al court?			
			Yes		No	
	If yes, specify the	he languas	įe:			
	If you need an it for providing yo		because you	do not speak	English, you a	e responsible
	If you need an it the court to ask				of a disability p	ilease contac
10	. Other informa	tion				
	State the name a to live with or s				with or staying	with or likely
	State the name respondent, and				e household as	you and the

11. Other Proceedings and Orders

If there are any other current family proceedings or orders in force involving you and the respondent, state the type of proceedings or orders, the court and the case number. This includes any application for an occupation order or non-molestation order against you by the respondent.

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••	be served upon the respondent
Signed	Date

Application for a non-molestation order or occupation order

Notes for Guidance

Section 1

If you do not wish your address to be made known to the respondent, leave the space on the form blank and complete the Confidential Address Form C5. The court can give you this form.

Section 3

An urgent order made by the court before notice of the application is served on the respondent is called an ex-parte order. In deciding whether to make an ex-parte order the court will consider the circumstances of the case, including:

- any risk of significant harm to the applicant or a relevant child, attributable to conduct of the respondent, if the order is not made immediately
- whether it is likely that the applicant will be deterred or prevented from pursuing the application if an order is not made immediately
- whether there is reason to believe that the respondent is aware of the proceedings but is deliberately evading service and that the applicant or a relevant child will be seriously prejudiced by the delay involved.

If the court makes an ex-parte order, it must give the respondent an opportunity to make representations about the order as soon as just and convenient at a full hearing.

'Harm' in relation to a person who has reached the age of 18 means ill-treatment or the impairment of health, and in relation to a child means ill-treatment or the impairment of health and development. 'Ill-treatment' includes sexual abuse and forms of ill-treatment which are not physical. The court will require evidence of any harm which you allege in support of your application. This evidence should be included in the statement accompanying this application.

Section 4

For you to be able to apply for an order you must be related to the respondent in one of the ways listed in this section of the form. If you are not related in one of these ways you should seek legal advice.

Cohabitants are a man and a woman who, although not married to each other are living or have lived together as husband and wife. People who have cohabited but have then married will not fall within this category, but will fall within the category of married people.

Those who live or have lived in the same household do not include people who share the same household become one of them is the other's employee, tenant, lodger or boarder.

You will only be able to apply as a relative of the respondent if you are:

- (A) the fother, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfuther, grandson or granddaughter of the respondent or of the respondent's spouse or former spouse.
- (B) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or of the half blood by affinity) of the respondent or of the respondent's spouse or former spouse.

This includes, in relation to a person who is living or has lived with another person as hasband and wife, any person who would fall within (A) or (B) if the parties were married to each other (for example your cohabitee's father or brother).

Agreements to marry: You will fall within this category only if you make this application within three years of the termination of the agreement. The court will require the following evidence of the agreement:

evidence in writing

or the gift of an engagement ring in contemplation of marriage

Notes for Guidance (continued)

or evidence that a ceremony has been entered into in the presence of one or more other persons assembled for the purpose of witnessing it.

Parents and parental responsibility: You will fall within this category if

both you and the respondent are either the parents of a child or have parental responsibility for that child

 if one of you is the parent and the other has parental responsibility.

Under the Children (Northern Ireland) Order 1995, parental responsibility is held automatically by a child's mother and by the child's father if he and the mother were married at the time of the child's birth or have murried subsequently. Where this is not the case parental responsibility can be acquired by the father in accordance with the provisions of the Children (Northern Ireland) Order 1995.

Section 5

A non-molestation order can forbid the respondent to molest you or a relevant child. Molestation can include, for example, violence, threats, pessering and other forms of harrassment. The court can forbid particular acts of the respondent, molestation in general, or both.

Section 6

If you wish to apply for an occupation order but you are uncertain about your unswer to any of the questions in this part of the application form, you should seek legal advice.

- (A) A dwelling-house includes any building or part of a building which is occupied as a dwelling; any caravan, houseboat or structure which is occupied as a dwelling; and any yard, garden, garage or outhouse belonging to it and occupied with it.
- (C) & (D) The following questions give examples to help you to decide if you or the respondent, or both of you.

are entitled to occupy the dwelling-house:

- (a) Are you the sole legal owner of the dwellinghouse?
- (b) Are you and the respondent joint legal owners of the dwellinghouse?
- (c) Is the respondent the sole legal owner of the dwelling-house?
- (d) Do you rent the dwellinghouse as sole renant?
- (e) Do you and the respondent rent the dwelling-house as joint tenants?
- (f) Does the respondent rent the dwelling-house as sole tenant?

If you answer

- Yes to (a), (b), (d) or (e) you are likely to be entitled to occupy the dwellingbouse.
- Yes to (c) or (f) you may not be entitled (unless, for example you are a spouse and have matrimonial home rights see the notes under 'Matrimonial Home Rights' below).
- Yes to (b), (c), (e) or (f) the respondent is likely to be entitled in occupy the dwelling-house.
- Yes to (a) or (d) the respondent may not be entitled (unless for example he is a spouse and has matrimonial home rights).

Bux 1 For example, if you are sole owner, joint owner or if you rent the property. If you are not a spouse, former spouse, cohabitant or former cohabitant of the respondent you will only be able to apply for an occupation order if you fall within this category.

If you answer Yes to this question, it will not be possible for a magistrates' court to deal with the application, unless the court decides that it is unnecessary for it to decide this question in order to deal with the application or make an order. If the court decides that it cannot deal with Notes for Guidance (continued) the application it will transfer the application to a county court.

Box 2 For example, if the respondent was married to you and is sole owner or rents the property.

Box 3 For example, if the respondent is or was co-habiting with you and is sole owner or rents the property.

Matrimonial Home Rights

Where one spouse is entitled to occupy the dwelling-house by virtue of a beneficial estate or interest or contract or by virtue of any enactment giving him or her the right to remain in occupation and the other spouse is not so entitled, the spouse who is not entitled hus matrimonial home rights. These are oright, if the spouse is in occupation, not to be evicted or excluded from the dwelling-house except with the leave of the court and, if the spouse is not in occupation, the right with the leave of the court to enter into and occupy the dwelling-house.

Matrimonial home rights do not exist if the dwelling house has never been and was never intended to be, the matrimonial home of the two spouses. If the marriage has come to an end, matrimonial home rights will also have ceased unless a court order has been made during the marriage for the rights to continue after the end of the marriage.

Occupation Orders

The possible orders are:

If you have ticked box 1 above, an order under Article 11 of the Order of 1998 may.

- enforce the applicant's entitlement to remain in occupation as against the respondent
- require the respondent to permit the applicant to enter and remain in the dwelling-house or part of it
- require the respondent to permit the applicant to have peaceful use and enjoyment of the dwelling-house or part of it
- regulate the occupation of the dwelling-house by either or both parties

- if the respondent is also entitled to occupy, prohibit, suspend or restrict the exercise by him of that right
- restrict or terminate any matrimenial home rights of the respondent
- require the respondent to leave the dwelling-house or part of it
- provide for the respondent to remove from the dwelling house or part of it personal effects or furniture or other contents which are specified in the order
- exclude the respondent from a defined area around the dwelling-house or any other defined area or premises
- restrain the respondent from disposing of any estate he has in the dwelling-house
- declare that the applicant is entitled to occupy the dwelling-house or has matrimonial home rights in it
- provide that the matrimonial home rights of the applicant are not brought to an end by the death of the other spouse or termination of the marriage.

If you have ticked box 2 or box 3 above—

- (a) an order under Article 13 or 14 of the Order of 1998 must:
 - (i) if the applicant is in occupation,—
 - give the applicant the right not to be evicted or excluded from the dwelling-house or any part of it by the respondent for a specified period: and
 - prohibit the respondent from evicting or excluding the applicant during that period
 - (ii) if the applicant is not in occupation.
 - give the applicant the right to enter and occupy the dwelling-house for a specified period; and

Notes for Guidance (continued)

- require the respondent to permit the exercise of that right
- (b) an order under Article 13 or 14 of the Order of 1998 may—
 - tegulate the accupation of the dwelling-house by either or both of the parties
 - require the respondent to permit the applicant to have peaceful use
 and enjoyment of the dwellinghouse or part of it
 - provide for the respondent to remove from the dwelling-house or part of it, personal effects or any furniture or other contents which are specified in the order
 - prohibit, suspend or restrict the exercise by the respondent of his right to occupy
 - require the respondent to leave the dwelling-house or part of it
 - exclude the respondent from a defined area around the dwellinghouse or any other defined area or premises
 - restrain the respondent from disposing of any estate he has in the dwelling-house

If you have ticked box 4 or box 5 above, an order under Article 15 or 16 of the Order of 1998 may:

- require the respondent to permit the applicant to enter and remain in the dwelling-house or part of it
- regulate the occupation of the dwelling-house by either or both of the parties
- require the respondent to leave the dwelling-house or part of it
- exclude the respondent from a defined area around the dwellinghouse or any other defined area or premises
- require the respondent to permit the applicant to have peaceful use and enjoyment of the dwelling-house or part of it
- provide for the respondent to remove from the dwelling-house or part of it

personal effects or any furniture or other contents which are specified in the order.

You should provide any evidence which you have on the following matters in your evidence in support of this application. If necessary, further statements may be submitted after the application has been issued.

If you have ticked box 1, 4 or 5 above, the court will need any available evidence of the following:

- the housing need and resources of you, the respondent and any relevant child
- the financial resources of you and the respondent
- the likely effect of any order, or of any decision not to make an order, on the health, safety and well-being of you, the respondent and any relevant child
- the conduct of you and the respondent in relation to each other and otherwise

If you have ticked box 2 above, the court will need any available evidence of:

- the housing needs and resources of you, the respondent and any relevant child
- the financial resources of you and the respondent
- the likely effect of any order, or of any decision not to make on order, on the health, safety and well-being of you, the respondent and any relevant child
- the conduct of you and the respondent in relation to each other and otherwise
- the length of time that has elapsed since you and the respondent ceased to live together
- the length of time that has elapsed since the marriage was dissolved or annulled
- the existence of any pending proceedings between you and the respondent:
 - under Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978 (property

Notes for Guidance (continued)

- adjustment orders in connection with divorce proceedings etc.)
- or under para 2(2)(d) or (e) of Schedule 1 to the Children (Northern Ireland) Order 1995 (orders for financial relief against parents)
- or relating to the legal or peneficial ownership of the dwelling-house.

If you have ticked box 3 above, the court will need any available evidence of

- the housing needs and resources of you, the respondent and any relevant child
- the financial resources of you and the respondent
- the likely effect of any order, or of any decision not to make an order on the bealth, safety and well-heing of you, the respondent and any relevant child
- the conduct of you and the respondent in relation to each other and otherwise
- the nature of you and the respondent's relationship
- the length of time which you have lived together as husband and wife
- whether you and the respondent have had any children, or have both had parental responsibility for any children
- the length of time which has elapsed since you and the respondent ceased to live together
- the existence of any pending proceedings between you and the respondent under para 2(2)(d) or (e) of Schedule 1 to the Children (Northern Iteland) Order 1995 or relating to the legal or beneficial ownership of the dwelling-house.

Section 7

Under Article 18 of the Order of 1998, the court may make the following additional orders when making an occupation order:

- impose on either party obligations as to the repair and maintenance of the dwelling-house
- impose on either party obligations as to the payment of rent, martgage or other outgoings affecting it
- order a party occupying the dwelling-house to make periodical payments to the other party in respect of the accommodation, if the other party would (but for the order) be entitled to occupy it
- grain either party possessions or use of furniture or other contents
- order either porty to take reasonable care of any furniture or other contents
- prohibit either party from damaging or interfering with services in the dwelling-house or any premises specified in the order
- order either party to repair damage or restore services to the dwellinghouse
- order either party to pay the other party or another person a sum specified in the order
- order either party to take reasonable steps to keep the dwelling-house and any furniture or other contents secure.

Section 8

If the dwelling-house is rented or subject to a mortgage, the landlord or mortgagee must be served with notice of the proceedings in Form F3. He or she will then be able to make representations to the court regarding the rem or mortgage,

Section 10

A person living in the same household may, for example, be a member of the family or a tenant or employee of you or the respondent.

Form F2SUMMONS TO RESPONDENT ON AN APPLICATION UNDER THE FAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998

of Petty Sessions District of
Applicant

of County Court Division of
Respondent

Whereas an application, a copy of which is attached, has been made under Article of the above Order.

THIS IS TO COMMAND YOU to appear as respondent on the hearing of the said application at _______ on the ______ day of ______ 19 at _______ o'clock before a Court of Summary Jurisdiction for the above mentioned Petty Sessions District.

Dated this day of 19

Justice of the Peace [or Clerk of Petty Sessions]

What to do next

There is a copy of the application with this summons. You have been named as a party in the application.

Read the application now and the notes overleaf.

When you go to court please take this Summons with you and show it to a court official.

Note 1	Summons, You shou	terest to attend the court on the date shown on this ald be ready to give any evidence which you think your side of the case.
Note 2	For legal advice—	go to a solicitor or an advice agency
		You can obtain the address of a solicitor or an advice agency from the Yellow Pages or the Law Society
		A solicitor or an advice agency will be able to tell you whether you may be eligible for legal aid.
Note 3	If you require an interpreter	because you do not speak English, you must bring your own.
		because of a disability, please comact the court to ask what help is available.
Note 4	To the respondent	the following information only applies if the applicant has applied for an occupation order.
		If the applicant has ticked box 1, 4 or 5 on page 4 of the application form, the court will need any available evidence of the following:
		 the housing needs and resources of you, the applicant and any relevant child
		 the financial resources of you and the applicant
		 the likely effect of any order or of any decision not to make an order, on the health, safety and well-being of you, the applicant and any relevant child the conduct of you and the applicant in relation to each other and otherwise
		If the applicant has ticked box 2, the court will need any available evidence of
		 the housing needs and resources of you, the applicant and any relevant child
		 the financial resources of you and the applicant
		the likely effect of any order, or of any desiring not to employ an order, on the health

About this Summons

and any relevant child

decision not to make an order, on the health, safety and well-being of you, the applicant

the conduct of you and the applicant in relation to each other and otherwise

the length of time that has clapsed since you and the applicant ceased to live together

- the length of time that has elapsed since the marriage was dissolved or annuited
- the existence of any pending proceedings between you and the applicant:

under Article 26 of the Matrimonial Causes (Northern Ireland) Order 1978 (property adjustment orders in connection with divorce proceedings etc.)

or

under para 2(2)(d) or (e) of Schedule 1 to the Children (Northern Ireland) Order 1995 (orders for financial relief against parents)

or

relating to the legal or beneficial ownership of the dwelling-house.

If the applicant has ticked box 3, the court will need any available evidence of:

- the housing needs and resources of you, the applicant and any relevant child
- the financial resources of you and the applicant
- the likely effect of any order, or of any decision not to make an order, on the health, safety and well being of you, the applicant and any relevant child
- the conduct of you and the applicant in relation to each other and otherwise
- the nature of you and the applicants relationship
- the length of time during which you have lived together as husband and wife
- whether you and the applicant have any children, or have both had parental responsibility for any children
- the length of time which has elapsed since you and the applicant ceased to live together
- the existence of any pending proceedings between you and the applicant under para 2(2)(d) or (e) of Schedule 1 to the Children (Northern Ireland) Order 1995 or relating to the legal or beneficial ownership of the dwelling-house.

Form F3NOTICE TO MORTGAGEES AND LANDLORDSFAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) OREDER 1998

of		Perty Sessions District of
	Applicant	
of		County Court Division of
	Respondent	
Notice to		
concerning the dwelling-house at		
Take Notice	proceedings under Violence (Northern	ion [will be] [has been] made in r the Family Homes and Domestic Ireland) Order 1998 which affects the bove (welling house and the payment of it] thereon.
The next hearing is	s at	
	QD.	al [am] [pm]
What you may do next	If either the appl home rights:	icant or respondent has matrimonial
	You may apply to you wish to do so.	he made a party to these proceedings if
	If neither the a matrimonial home a party:	applicant nor the respondent has erights, or you do not wish to be made
	proceedings.	presentations to the court about these
	proceedings are	one in writing to the court where the taking place. Your letter should be erk of petty sessions.
Signed		
Date		

Form F4STATEMENT OF SERVICEFAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998

of

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Applicant

Petty Sessions District of

ef		Cour	ity Court Division o
	Respondent		
You must	 give details of service of parties 	of the application	n on each of the othe
	 give details of service dwelling-house (if app 	on the mortgag ropriate).	ee or landlord of the
	 file this form with the proceedings. 	court on or befo	we the hearing of the
You should	if the person's solicitor address	was served, giv	e his or her name and
You must indicate	the manner, date, time	and place of se	rvice
	or where the service was place of posting.	effected by pos	at, the date, time and
Name and address person served	of Means of identificat served and how, where served	en and where	Prescribed forms served
-	plication as stated above. (solicitor for the applicant)	[other] [siste]	
Signed.	Date:		

οf		Petty Sessions District of
	Applicant	:
αf		County Court Division of
	Responden	4
The Court orders that	these proceedi	ngs be transferred to the
	[High Court] [[Court of Sum	County Count] [Family Care Centre at amary Jurisdiction]
because		
The next hearing is	at	
	on	at [am] [pm]
Please address all future correspondence to		
Ordered by		·
on		

Form F6FAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDR 1998

Высово о в тив	HEARING				
Applicant					
Respondent					
	On Notice		Ex parte	<u></u>	
1. Attendees					
Name	Present		Repr	esented by	
	İ				
	i				
2. Evidence					
	ed only when the	court m	akes a finding	of fact	
The Court read th	ie report(s)/stater	nentis) (ો	Dated	
The Court heard	oral evidence (or	i oath fi	rom		
				l	
				!	

Form F7OCCUPATION/NON-MOLESTATION ORDERFAMILY HOMES AND DOMESTIC VIOLENCE (NORTHERN IRELAND) ORDER 1998

of		Petry Sessions District of
	Applicant	
ef		County Court Division of
	Respondent	
Order		
Ordered by		
on		

Important Notice to the Respondent [Name]

This order gives you instructions which you must follow. You should read it all carefully. If you do not understand anything in this order you should go to a solicitor, Advice Centre or Citizen's Advice Bureau. You have a right to ask the court to change or cancel the order but you must obey it unless the court does change or cancel it.

You must obey the instructions contained in this order. If you do not, you may be guilty of an offence, and you may be sent to prison and/or fined.

Form F8APPLICATION TO VARY, EXTEND OR DISCHARGE AN ORDERFAMILY HOMES AND DOMESTIC VIOLENCE (NORTHER IRELAND) ORDER 1998

Petry Sessions District of	of		
Applicant	Applica		
County Court Division of	of		
Respondent	Respond		
you (the applicant)	About you (the applicant)		
our title, full name, address, ne number, and date of birth made known to the respondent leave this space blank and complete Confidential Address Form C5 (if you have not already done so). The court can give you this form.	State your title, full name, address telephone number, and date of birt		
ce, telephone, FAX and DX	State your soliciton's name, address reference, telephone, FAX and DX numbers.		
or description (for example,	If you are already a party to the car give your description (for example applicant, respondent or other).		
der(s) for which you are Please attach a copy of the order if possible	The order(s) for which you are applying		
pplying to vary	I am applying to vary [
extend	extend [
discharge Li	discharge [
er dated:	the order dated:		
or extended please give details order which you would like the	If you are applying for an order to varied or extended please give det of the order which you would like court to make:		

3.	Your reason(s) for applying
	State briefly your reasons for applying.
1.	Person(s) to be served with this application
	For each respondent to this application state the title, full name and address.
	Signed Date (Applicant)
	LA DENICARTI