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STATUTORY INSTRUMENTS

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**2010 No. 2955**

**The Family Procedure Rules 2010**

**PART 10**

**APPLICATIONS UNDER PART 4 OF THE FAMILY LAW ACT 1996**

**Applications for an occupation order or a non-molestation order**

**10.2.**—(1) An application for an occupation order or a non-molestation order must be supported by a witness statement.

(2) Subject to paragraph (3), an application for an occupation order or a non-molestation order may be made without notice.

(3) An application for an occupation order or a non-molestation order may, in a magistrates' court, be made with the permission of the court without notice in which case the applicant must file the application at the time when the application is made or as directed by the court.

(4) Where an application is made without notice, the witness statement in support of the application must state the reasons why notice has not been given.

(Section 45 of the 1996 Act sets out the criteria for making an order without notice.)