

Procedure for Injunctions

If you think you may be entitled to apply for an injunction and that you meet the associated persons criteria, you may wish to proceed with an application to Court for a Non-Molestation Order, or an Occupation Order.

Procedure

Step 1 - The application is made on Form FL401 and is supported by a statement detailing the facts of the case and the reason for the application. Three copies of each should be provided to the Court.

Step 2 - The Court will provide sealed (officially stamped) copies of the application and a Form FL402 which gives notice of the hearing date.

Step 3 - The Respondent must be provided with the sealed application and the notice on Form FL402 at least 2 clear days before the hearing date (unless the Court has directed otherwise). This is referred to as 'Service' of the application. Service can be by post or in person but it is vital that the Respondent receives the documents and as such, service in person is recommended. This can be by a solicitor, a friend or by a professional process server.

Step 4 - if the application is for an Occupation Order, the Landlord or mortgage provider for the property must also be served with the application.




Step 5 - Once service has been effected, a Statement of Service on Form FL415 must be completed and sent to the Court.

Step 6 - If the Respondent wishes to, he/she may file a statement in response or alternatively may issue a cross application.

Step 7 - Attend the hearing. The Court may make the orders or may make directions to take the case forward.

Step 8 - If final orders are made, the Respondent and any Landlord/mortgage provider must again be served with a sealed order. If a Non-molestation order, or an Occupation order with power of arrest, is made, a copy should be provided to the local Police station.

To find out more, please refer to the information sheets which can be found on our website under Resources.

-  Urgent Applications
-  Injunctions – Associated Persons
-  Injunctions – What will the Court consider?