

Occupation Order



{ EMBED  
Word.Picture.8 }

In the Family Court  
Sitting at [Place]  
{ FORMTEXT }

No: { FORMTEXT }



The Family Law Act 1996

{ IF { MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_REL } = "Married" "The Marriage of {  
MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Civil Partnership" "The Civil Partnership of {  
MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Were married" "The Relationship of {  
MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Former CPs" "The Relationship of {  
MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Cohabiting" "The Relationship of { MERGEFIELD  
LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 } and {  
MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Were cohabiting" "The Relationship of {  
MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Both live/have lived in same household" "The  
Family of { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Relative" "The Family of { MERGEFIELD  
LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 } and {  
MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Agreed to marry" "The Relationship of {  
MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD

FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Agreed to form a CP" "The Relationship of {  
MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Both are parents/have PR for a child" "The Family  
of { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "One party is parent and other has PR for the child"  
"The Family of { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Having/had an intimate relationship" "The  
Relationship of { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "1 is natural parent/GP to a child, other adoptive"  
"The Family of { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "{ IF { MERGEFIELD  
FW\_INJ\_APP\_FW\_INJ\_REL } = "Both parties to the same family proceedings" "The  
Family of { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
LINKNAME\_SURNAME\_1 } and { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }" "Please select a relationship in the dossier  
page" "}"

After hearing [name the advocate(s) who appeared].  
{ IF { MERGEFIELD FW\_INJ\_APP\_FW\_INJ\_NOTICE } = "Yes" "After reading the  
statement(s) and hearing the witness(es) specified in para [insert] of the Recitals below" "" }

**OCCUPATION ORDER MADE BY [NAME OF JUDGE] ON [DATE] SITTING IN PRIVATE**

IMPORTANT NOTICE TO THE RESPONDENT,	{ MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPFORE \* Upper}	{ MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPSURN \* Upper} OF	{ MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPADD1 \* Upper}	{ MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPADD2 \* Upper}	{ MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPADD3 \* Upper}	{ MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPADD4 \* Upper}	{ MERGEFIELD
FW_INJ_RESP_FW_INJ_RESPPCOD \* Upper}	

**YOU MUST OBEY THIS ORDER. You should read it carefully. If you do not understand anything in this order you should go to a solicitor, Legal Advice Centre or Citizens Advice Bureau. You have a right to apply to the court to change or cancel the order.**

**WARNING: IF YOU DO NOT OBEY THIS ORDER, YOU WILL BE GUILTY OF CONTEMPT OF COURT AND YOU MAY BE SENT TO PRISON, BE FINED, OR HAVE YOUR ASSETS SEIZED.**

#### **The Parties**

1. The applicant is { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }  
The respondent is { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }  
[The second respondent is ZZ]  
[Specify if any party acts by a litigation friend]

#### **Definitions**

2. The “children of the family” are:
  - a. [forename and surname] born on [date];
  - b. [forename and surname] born on [date]; and
  - c. etc
3. The “family home” is { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } / [“insert”] is «FW\_INJ\_OCC\_FW\_INJ\_FHADD2» «FW\_INJ\_OCC\_FW\_INJ\_FHADD3» «FW\_INJ\_OCC\_FW\_INJ\_FHADD4» «FW\_INJ\_OCC\_FW\_INJ\_FHPCODE»

#### **Recitals**

4. This is an occupation order made against the respondent { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN } on [insert date] by [insert name of judge] on the application of the applicant { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }.
5. (Where the order was made without notice) The judge read the following witness statement(s) [set out] and heard oral evidence from [insert name(s)].
6. (Where the order was made without or on short notice) This order was made at a hearing [without notice]/[on short informal notice] to the respondent. The reason why the order was made [without notice]/[on short informal notice] to the respondent was [set out]. The respondent has the right to apply to the court to vary or discharge the order – see paragraph [insert] below.

**Undertakings given to the court by the applicant { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }**

7. [By *[insert time and date]* the applicant shall:
  - a. issue an application notice [in the form of the draft produced to the court] [claiming the appropriate relief]; and
  - b. file a witness statement [substantially in the terms of the draft witness statement produced to the court] [confirming the substance of what was said to the court by the applicant's counsel/solicitor]].
  
8. By *[insert time and date]* the applicant shall serve upon the respondent, together with this order:
  - a. a copy of the application;
  - b. copies of the witness statement(s) and exhibits containing the evidence relied upon by the applicant, and any other documents provided to the court on the making of the application; and
  - c. a note [prepared by { IF { MERGEFIELD FW\_INJ\_CLIENT\_FW\_INJ\_CLIGENDE } = "Male" "his" "her" } solicitor] recording the substance of the dialogue with the court at the hearing and the reasons given by the court for making the order, which note shall include (but not be limited to) any allegation of fact made orally to the court where such allegation is not contained in the witness statement(s) or draft witness statement(s) read by the judge.

**IT IS ORDERED (BY CONSENT):**

**Occupation Order – Declaration under Section 33 of the Family Law Act 1996**

9. The court declares that the applicant, { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }, is entitled to occupy the family home property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and outbuildings] as { IF { MERGEFIELD FW\_INJ\_CLIENT\_FW\_INJ\_CLIGENDE } = "Male" "his" "her" } home.
  
10. The court declares that the applicant, { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }, has home rights in the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE }, [and/or] the court declares that the applicant's, { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }'s, home rights in the property [at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE }], shall not end when the respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, dies or their [marriage/civil partnership] is dissolved and shall continue until *[insert date and time]* / [the determination of the

applicant's financial provision claims under case number [insert] or a further order is made.

**Occupation Order under Section 33 of the Family Law Act 1996**

11. The respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, shall allow the applicant, { MERGEFIELD LINKNAME FORENAME 1 } { MERGEFIELD LINKNAME SURNAME 1 }, to occupy [the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } ] [and its surrounding gardens, land and outbuildings]] / [part of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } ] [and its surrounding gardens, land and outbuildings], namely [specify part]].
  
12. The respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, must not occupy [the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } ] [and its surrounding gardens, land and outbuildings]] / [specify part of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } ] [between [specify dates and times]].
  
13. The respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, shall leave [the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } ] [and its surrounding gardens, land and outbuildings]] / [specify part of the property at "{ MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } ] by [insert date and time] / [within [insert hours/days] of this order being personally served on { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "him" "her" } ] [and/or] of { IF {

MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "him" "her" } being made aware of the terms of this order whether by personal service or otherwise].

14. Having left [the property [and its surrounding gardens, land and outbuildings]] / [specify part of the property], the respondent, "{ MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, must not return to, enter or attempt to enter [or go within [insert] metres of it], except that the respondent may [go to the property [without entering it]] for the purpose of collecting the children of the family for, and returning them from, such contact with the children as may be agreed in writing between the applicant and the respondent or in default of agreement ordered by the court..
15. The respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, must not obstruct, harass, or interfere with the [applicant's], [{ MERGEFIELD LINKNAME FORENAME 1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }'s], peaceful occupation of [the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } ] [and its surrounding gardens, land and outbuildings]] / [specify part of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } ].

**Occupation Order under Sections 35 and 36 of the Family Law Act 1996**

16. The applicant, { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }, has the right to enter into and occupy the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and outbuildings], and the respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, shall allow the applicant to do so.
17. The applicant, { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }, has the right not to be evicted or excluded from, and the respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, must not evict or exclude the applicant from, the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and outbuildings] or any part of it [except for [specify part of the property]].

18. The respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, must not occupy [the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and outbuildings]] / [specify part of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [between [specify dates and times]].
19. The respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, shall leave [the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and outbuildings]] / [specify part of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } by [insert date and time] / [within [insert hours/days] of this order being personally served on { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "him" "her" } [and/or] of { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "him" "her" } being made aware of the terms of this order whether by personal service or otherwise].
20. Having left [the property [and its surrounding gardens, land and outbuildings]] / [specify part of the property], the respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, must not return to, enter or attempt to enter [or go within [insert] metres of it], except that the respondent may [go to the property [without entering it]] for the purpose of collecting the children of the family for, and returning them from, such contact with the children as may be agreed in writing between the applicant and the respondent or in default of agreement ordered by the court.
21. The respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, must not obstruct, harass, or interfere with the [applicant's], { MERGEFIELD LINKNAME FORENAME 1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }, peaceful occupation of [the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and outbuildings]].

FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and outbuildings] / [specify part of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE }].

**Occupation Order under Sections 37 and 38 of the Family Law Act 1996**

22. The respondent, "{ MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, shall allow the applicant, { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }, to enter into and occupy the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and outbuildings] / [part of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and outbuildings], namely [specify part]].

23. The respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, must not occupy [the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and outbuildings]] / [specify part of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE }] between [specify dates and times].

24. The respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, shall leave [the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and outbuildings]] / [specify part of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE }].



FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHPCODE }} by [insert date and time] / [within [insert  
 hours/days] of this order being personally served on { IF { MERGEFIELD  
 FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "him" "her" } [and/or] of { IF {  
 MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "him" "her" } being  
 made aware of the terms of this order whether by personal service or otherwise].

25. Having left [the property [and its surrounding gardens, land and outbuildings]] / [specify  
 part of the property], the respondent, { MERGEFIELD  
 FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
 FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, must not return to, enter or attempt to enter [or  
 go within [insert] metres of it], except that the respondent may [go to the property  
 [without entering it]] for the purpose of collecting the children of the family for, and  
 returning them from, such contact with the children as may be agreed in writing between  
 the applicant and the respondent or in default of agreement ordered by the court.

26. The respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } {  
 MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, must not obstruct, harass, or  
 interfere with the [applicant's], { MERGEFIELD LINKNAME FORENAME 1 } {  
 MERGEFIELD LINKNAME SURNAME 1}'s, peaceful occupation of [the property at  
 { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and  
 outbuildings]] / [specify part of the property at "{ MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHPCODE }].

**Additional Provisions which may be included in Occupation Orders made under  
 Sections 33, 35 or 36 of the Family Law Act 1996**

27. [The applicant { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
 LINKNAME\_SURNAME\_1 }]] and/or [The respondent { MERGEFIELD  
 FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD  
 FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }]] shall maintain and repair the property at {  
 MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD  
 FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } [and its surrounding gardens, land and  
 outbuildings].

28. [The applicant [{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD  
 LINKNAME\_SURNAME\_1 }]] and/or [The respondent { MERGEFIELD  
 FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD

FW\_INJ\_RESP\_FW\_INJ\_RESPSURN } shall discharge the [mortgage payments]/[rental payments] in respect of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE }.

29. [The applicant [{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }]] and/or [The respondent { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }] shall discharge the following outgoings in respect of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE } : *[insert outgoings]*.

30. The applicant [{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }] shall pay to the respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, £*[insert]* each week/month, for the use of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE }.

31. The applicant [{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }] shall keep and use the [furniture]/[contents]/*[specify if necessary]* of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE }.

32. The respondent, { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN }, shall return to the applicant [{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }] the [furniture]/ [contents]/ *[specify if necessary]* by no later than *[insert time and date]*.

33. The applicant [{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }] shall take reasonable care of the [furniture]/ [contents]/ *[specify if necessary]* of the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHPCODE }.

34. The applicant [{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }] shall take all reasonable steps to keep secure the property at { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD1 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD2 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD3 } { MERGEFIELD FW\_INJ\_OCC\_FW\_INJ\_FHADD4 } and the [furniture]/[contents]/[specify if necessary].

**Duration of Occupation Order under Section 33 of the Family Law Act / Power of Arrest**

35. Paragraph(s) [insert] of this order shall be effective against the respondent «FW\_INJ\_RESP\_FW\_INJ\_RESPFORE» «FW\_INJ\_RESP\_FW\_INJ\_RESPSURN» once it is personally served on { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "him" "her" } [and/or] once { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "he" "she" } is made aware of the terms of this order whether by personal service or otherwise.
36. Paragraph(s) [insert] of this order shall last until [a further order is made] / [insert date and time] [unless before then it is varied or revoked by an order of the court].
37. The respondent may apply to the court at any time to vary or discharge this order on [insert hours / days] [written] notice to the [applicant]/[applicant's solicitors]. If any evidence is to be relied upon in support of { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "his" "her" } application, the substance of it must be communicated in writing to the [applicant]/[applicant's solicitors] in advance.
38. A power of arrest is attached to paragraphs [insert] of this order.

**Duration of Occupation Order under Sections 35 and 37 of the Family Law Act / Power of Arrest**

39. Paragraph(s) [insert] of this order shall be effective against the respondent { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN } once it is personally served on { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "him" "her" } [and/or] once { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "he" "she" } is made aware of the terms of this order whether by personal service or otherwise.
40. Paragraph(s) [insert] of this order shall last until [insert date and time – which must not be more than 6 months from the date of this order] [unless before then it is varied or revoked by an order of the court].
41. [Paragraph(s) [insert] of the occupation order made on [insert date] is extended until [insert date and time – which must not be more than 6 months from the date of this extension] [unless before then it is varied or revoked by an order of the court].

42. The respondent may apply to the court at any time to vary or discharge this order on *[insert hours / days]* [written] notice to the [applicant]/[applicant's solicitors]. If any evidence is to be relied upon in support of { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "his" "her" } application, the substance of it must be communicated in writing to the [applicant]/[applicant's solicitors] in advance.

43. A power of arrest is attached to paragraphs *[insert]* of this order.

#### **Duration of Occupation Order under Sections 36 and 38 of the Family Law Act / Power of Arrest**

44. Paragraph(s) *[insert]* of this order shall be effective against the respondent { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPFORE } { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPSURN } once it is personally served on { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "him" "her" } [and/or] once { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "he" "she" } is made aware of the terms of this order whether by personal service or otherwise.

45. Paragraph(s) *[insert]* of this order shall last until *[insert date and time – which must not be more than 6 months from the date of this order]* [unless before then it is varied or revoked by an order of the court].

46. [Paragraph(s) *[insert]* of the occupation order made on *[insert date]* is extended until *[insert date and time – which must not be more than 6 months from the date of this extension]* [unless before then it is varied or revoked by an order of the court], and must end on that date.

47. The respondent may apply to the court at any time to vary or discharge this order on *[insert hours / days]* [written] notice to the [applicant]/[applicant's solicitors]. If any evidence is to be relied upon in support of { IF { MERGEFIELD FW\_INJ\_RESP\_FW\_INJ\_RESPGEND } = "Male" "his" "her" } application, the substance of it must be communicated in writing to the [applicant]/[applicant's solicitors] in advance.

48. A power of arrest is attached to paragraphs *[insert]* of this order.

#### **Hearings**

49. The application(s) [is]/[are] listed for a further [directions] hearing in the Family Court sitting at *[place]* on *[insert date]* ('the return date'), at which hearing the court will reconsider the application [and whether the order should continue]. If you do not attend on the date and at the time shown the court may make an order in your absence.

#### **Costs**

50. The costs of this application are [reserved to the judge hearing the application on the return date] / [in the application], etc.

Dated

**Notice pursuant to PD 33A para 1.4**

You { MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 }, the applicant, may be sent to prison for contempt of court if you break the promises that have been given to the court

**Statement pursuant to PD 33A para 1.5**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

*Signed*

.....  
{ MERGEFIELD LINKNAME\_FORENAME\_1 } { MERGEFIELD LINKNAME\_SURNAME\_1 } [date]

**Communications with the court**

All communications to the court about this order should be sent to –  
*[Insert the address and telephone number of the appropriate Court Office]*

**Name and address of applicant's legal representatives**

The applicant's legal representatives are –

{ MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }  
{ 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»"  
"" }

Ref: { MERGEFIELD client no }/{ MERGEFIELD matter no }

Tel: { MERGEFIELD BRANCHINFO\_PHONE\_NO }

Fax: { MERGEFIELD BRANCHINFO\_FAX\_NO }