

Protective Orders

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Criminal Behaviour Order (CBO)

Jurisdiction - Criminal proceedings (Magistrates' or Crown court)

Purpose - Can be used to prevent further incidents of domestic abuse

Process - Prosecutor applies to the criminal court on conviction

Legislation - Anti-Social Behaviour, Crime and Policing Act 2014

Is breach a criminal offence? Yes

Sanction for breach - Five year's imprisonment maximum

Domestic Violence Protection Order (DVPO)

Jurisdiction - Civil proceedings (Magistrates' court)

Purpose - Intended to provide immediate and short-term cessation of contact between perpetrator and victim

Process - Separate from criminal proceedings (if any). Police make an application to the magistrates' court

Legislation - Crime and Security Act 2010

Is breach a criminal offence? - No

Sanction for breach - Maximum two year's imprisonment (for civil contempt)

FGM Protection Order (FGMPO)

Jurisdiction – Family proceedings

Purpose - Can be used where person has been subjected to or is at risk of FGM

Process - Not dependent on criminal proceedings. Person to be protected, local authority or any other party with the permission of the court applies to Family or High Court (or can be made by criminal court in criminal proceedings for an FGM offence)

Legislation - FGM Act 2003

Is breach a criminal offence? Yes

Sanction for breach - Contempt two years imprisonment maximum or conviction five years

Forced Marriage Protection Order (FMPO)

Jurisdiction - Family proceedings

Purpose - Can be used where person has been subjected to or is at risk of forced marriage

Process - Not dependent on criminal proceedings. Person to be protected, local authority, or any other party with the permission of the court, applies to family court

Legislation - Family Law Act 1996

Is breach a criminal offence? Yes

Sanction for breach - Contempt two years imprisonment maximum; or conviction five years

Injunction

Jurisdiction - Civil proceedings (County court or High court)

Purpose - To be used if victims are not legally associated to the perpetrator (e.g. marriage, sharing parental responsibilities, living together), provides for a restraining order and the victim can claim damages

Process - Victim brings civil proceedings

Legislation - Protection from Harassment Act 1997 (s.3)

Is breach a criminal offence? Yes

Sanction for breach - Contempt two year's imprisonment maximum; or conviction five years

Notification Order

Jurisdiction - Civil proceedings (Magistrates' court)

Purpose - Makes a sexual offender who has been convicted or cautioned abroad subject to the notification requirements. Used where necessary to prevent sexual harm

Process - Post foreign conviction. Police make an application to the magistrates' court

Legislation - Sexual Offences Act 2003

Is breach a criminal offence? Yes

Sanction for breach - Five year's imprisonment maximum

Non-molestation order (NMO or Non-Mol)

Jurisdiction - Family proceedings

Purpose - To prohibit a person from molesting another person

Process - By a court of its own volition if a child involved otherwise on application. Victim applies to Family Court

Legislation - Family Law Act 1996

Is breach a criminal offence? Yes

Sanction for breach - Five years imprisonment maximum

Occupation Order

Jurisdiction - Family proceedings

Purpose - Determines who can and / or cannot occupy particular premises for a period of time

Process - Victim makes application to the family court

Legislation - Family Law Act 1996

Is breach a criminal offence? No

Sanction for breach - N/A

Restraining Order (RO)

Jurisdiction - Criminal proceedings (Magistrates' or Crown court)

Purpose - To allow a court to protect a victim from an offender / defendant

Process - Prosecutor applies to criminal court on conviction or acquittal for any offence

Legislation - Protection from Harassment Act 1997

Is breach a criminal offence? Yes

Sanction for breach - Five year's imprisonment maximum

Sexual Harm Prevention Order (SHPO)

Jurisdiction - Criminal proceedings (Magistrates' or Crown court)

Purpose - To protect the public from sexual harm from an offender

Process - Post-conviction. Prosecutor applies to criminal court on conviction

Legislation - Sexual Offences Act 2003

Is breach a criminal offence? Yes

Sanction for breach - Five year's imprisonment maximum

Sexual Risk Order (SRO)

Jurisdiction - Civil proceedings (Magistrates' court)

Purpose - Protection from harm where risk from person shown to have carried out certain sexual behaviour

Process - Not dependent on conviction. Police make an application to the magistrates' court

Legislation - Anti-Social Behaviour, Crime and Policing Act 2014

Is breach a criminal offence? Yes

Sanction for breach - Five year's imprisonment maximum

Stalking Protection Order (SPO)

Jurisdiction - Civil proceedings (Magistrates' court)

Purpose - Early intervention to prevent escalation or entrenchment of stalking behaviour. Can be used where there is sufficient evidence of stalking behaviour (but not necessarily conviction) before a charge is brought

Process - Not dependent on criminal proceedings. Police make an application

Legislation - Stalking Protection Act 2019

Is breach a criminal offence? Yes

Sanction for breach - Five year's imprisonment maximum

Violent Offender Order (VOO)

Jurisdiction - Civil proceedings (Magistrates' court)

Purpose - For those convicted of specified serious violent offences to protect the public from the risk of serious violent harm

Process - Post-conviction. Police make an application to the magistrates' court

Legislation - Criminal Justice and Immigration Act 2008

Is breach a criminal offence? Yes

Sanction for breach - Five year's imprisonment maximum