

APPLICATION BY DEFENDANT TO VARY OR REVOKE A RESTRAINING ORDER

(Criminal Procedure Rules, rule 31.5; section 5, Protection from Harassment Act 1997)

This is an application by (name of defendant)

of: (address)

Email address:

Contact telephone number(s):

for the court to vary a restraining order

revoke a restraining order

that was made against the defendant making this application.

Court:

This means the court that made the restraining order. You can find court addresses and contact details at <https://courtribunalfinder.service.gov.uk/search/>.

Case reference number:

Use this form ONLY for an application to vary or revoke a restraining order made against the defendant in a criminal case to which Criminal Procedure Rules Part 31 applies. This form is NOT for use in a non-criminal case, i.e. one in which the restraining order was made otherwise than during a prosecution of the defendant. There is a different application form for use by a person for whose protection the order was made.

1. Complete the box above and give the details required in the boxes below. If you use an electronic version of this form, the boxes will expand¹. If you use a paper version and need more space, you may attach extra sheets.

2. Sign and date the completed form.

3. Send a copy of the completed form to:

(a) the court, and

(b) the prosecutor.

Do NOT send the form to anyone else. The court may direct the court officer to send a copy of the application to the person for whose protection the order was made. See also box 4 below.

Important information for anyone who receives a copy of this application

If you want to respond to this application you must let the court know within 14 days. The court will decide whether a hearing is needed. If you do not respond, the court may deal with the application without you. You can find the court address and contact details at <https://courtribunalfinder.service.gov.uk/search/>.

If you need advice you should get help from a solicitor or an advice agency **now**. If you cannot afford a solicitor, you may be able to get free legal advice. You may be able to find a solicitor on the Law Society website: www.solicitors.lawsociety.org.uk. Or you can phone the Law Society on 020 7320 5650.

¹ Forms for use with the Rules are at: <http://www.justice.gov.uk/courts/procedure-rules/criminal/forms>.

1) Details of the restraining order. Give the date on which the order was made, and its terms (or attach a copy of it).

2) Reasons for this application. Explain:

- (a) what circumstances affecting the operation of the order have changed since it was made,
- (b) why the court ought to vary or revoke the order as a result, and
- (c) when it was that you found out about those circumstances.

3) Evidence of which you want the court to take account. If you want the court to take account of any particular evidence before making its decision, identify that evidence and attach any written statement that has not been served before (e.g. during the prosecution of the defendant).

4) Giving notice of this application.

Giving the prosecutor notice

You must send a copy of this application to the prosecutor.

If you do not know the prosecutor's address, ask at the court office.

Giving notice to someone else

You must not send a copy of this application to anyone else (e.g. the person who is protected by the order you want the court to vary or revoke) unless the court orders you to do so.

If you think someone else ought to know about this application, give that person's name here and explain why you think they ought to be notified:

That person's name

That person's address:

Reasons why that person should be sent a copy of this application. It might be because that person is protected by the order that you want the court to vary or revoke.

If you do not know that person's address, give as much information about that person as you can here. The court will give directions about how that person should be notified.

That person's last known postal address

When did that person last live there? Give the date, or approximate date

Any other contact details? For example, any email address, phone number or social media account (Facebook, Instagram, Twitter, etc.)

Signed:

Date: