

wilkin chapman answer your legal questions

Harassment.

Q My husband and I separated some months ago, but unfortunately he has continued to pester me with telephone calls and letters and his behaviour towards me has been very threatening. Is there anything I can do?



MICHELLE DIXON

Michelle advises on all family and children matters. Wilkin Chapman's specialist legal team are able to provide a comprehensive service to the local community.

A You can apply to the Court for a Non-Molestation Order, (an injunction) to prevent your husband from harassing, pestering or threatening you. If you are entitled to public funding on financial grounds, (very few people are) it may be necessary for your solicitor to write a letter to your husband first and for you to notify the Police. It would be advisable for you to ask your solicitor to write first in any event. Even if you are not entitled to public funding and it is not appropriate for such a letter to be written, or this was done and ignored, it would be possible for you to apply to the Court for an Order. This is done by way of an application and you would have to swear an Affidavit giving full details of the harassment etc that you are alleging. The Court would then list this for a hearing and in the circumstances you described, your husband would be given notice of the hearing date. It is possible to apply to the Court without giving him notice, if violence is alleged and you are in fear of your safety. Depending on whether your husband turns up and the Judge is happy with your application, the Order may be made that day, or if this is defended by your husband, it will be listed for a contested hearing as soon as the Court has time to hear the matter.

You should also be aware that harassment is a criminal offence and you may prefer to report his behaviour to the Police, in the hope that they will issue him with a harassment warning, or consider prosecution.

family



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