

# Protective measures and civil orders

Details of protective measures and civil orders referenced in the violence against women and girls toolkit

First published 15 December 2021

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## Protective measures

### Domestic abuse protection notices and orders

The [Domestic Abuse Act 2021](#) introduced a domestic abuse protection notice and order (DAPN/DAPO), which is now being piloted in specified police forces and areas only.

A DAPN can be issued by police to protect someone from domestic abuse under the authorisation of an inspector or above. Once a DAPN has been given, a DAPO hearing must take place at magistrates' court within 48 hours. When granted, a DAPO is in effect throughout England and Wales (not just in pilot areas).

A DAPO can include prohibitions, such as location restrictions, and positive requirements, such as completing a relevant behavioural intervention. DAPOs are intended to be more long-term, flexible and effective than the existing, [domestic violence protection order](#) which remains available for use.

During the pilot phase, the College has released the following briefings and guidance documents to assist both pilot and non-pilot forces.

- [Introduction to domestic abuse protection notices and orders](#)
- [Briefing for non-pilot forces](#)
- [Domestic abuse protection notices and orders poster](#) (pilot forces only)
- [Briefing for first responders](#) (pilot forces only)
- [Briefing for authorising officers](#) (pilot forces only)
- [Briefing for police applicants](#) (pilot forces only)
- [Guidance for police applicants](#) (pilot forces only)

### Other useful resources

- [Arrest and other positive approaches](#) (Domestic abuse APP)
- [Domestic abuse protection orders and protection notices](#)
- [Domestic Abuse Protection Notices / Orders factsheet](#)

## Domestic violence protection notice or order

Under the [Crime and Security Act 2010, section 24](#), a superintendent or above may issue a domestic violence protection notice (DVPN) to a person ('P') aged 18 or over if:

- there are reasonable grounds to believe that P has been violent or has threatened violence towards an associated person
- the issue of the DVPN is necessary to protect that associated person from violence or a threat of violence from P

An associated person is defined under [section 62 of the Family Law Act 1996](#) and includes where they are or were married, civil partners or cohabitants.

Where a DVPN has been issued, a constable must apply to the magistrates' court for a domestic violence protection order (DVPO) within 48 hours, in accordance with [section 27 of the Crime and Security Act 2010](#). A court may make a DVPO if the following conditions are met:

- the court is satisfied on the balance of probabilities that P has been violent towards, or threatened violence towards, an associated person
- the court thinks that making the DVPO is necessary to protect the associated person from violence or a threat of violence from P

## Other useful resources

- [APP: Domestic violence protection notices and domestic violence protection orders](#)
- See also:
- [College Learn: Domestic violence protection orders](#) (you will need to log in)

Further information:

- [Home Office guidance: Domestic violence protection notices \(DVPNs\) and domestic violence protection orders \(DVPOs\) guidance](#)
- [Home Office guidance: Stalking protection orders](#)

- [College Learn: Public Protection Tactical Menu of Options](#) (you will need to log in)
- [College Learn: MOSOVO civil orders briefing sheet](#) (you will need to log in)

## Female genital mutilation (FGM) protection order

FGM protection orders are granted by a court and are unique to each case. They contain conditions to protect a victim or potential victim from FGM. This could include, for example, surrendering a passport to prevent the person at risk from being taken abroad for FGM, or requirements that nobody arranges for FGM to be performed on the person being protected.

### Other useful resources

- [Government guidance: Female genital mutilation \(FGM\) protection orders](#)

## Forced marriage protection order

A forced marriage protection order can be applied for if the applicant, or someone else, is:

- in a forced marriage
- being threatened with a forced marriage

The order will be designed to protect the individual according to their circumstances, for example, to stop someone taking an individual out of the UK.

A breach of a forced marriage protection order can be dealt with in the family court or a criminal court. Under the [Family Law Act 1996, section 63CA](#), the breach of an order is a criminal offence with a maximum penalty of five years' imprisonment.

### Other useful resources

- [APP: Forced marriage and honour-based abuse](#)
- [Government guidance: Apply for a forced marriage protection order](#)

## Non-molestation orders – civil court order

Under [section 42 of the Family Law Act 1996](#), a non-molestation order protects a named person from specific behaviour by an abuser, which can include prohibiting the abuser from:

- using or threatening physical violence

- intimidating, harassing or pestering
- communicating with the named person
- instructing or encouraging others to do the above on their behalf

A non-molestation order can be applied for by a victim of domestic abuse when the person to be protected from is:

- someone the victim is having, or has had, a relationship with
- a family member
- someone the victim is living, or has lived, with

The order is usually granted for between 6 and 12 months.

Although it is a civil order, usually issued by a family court, a breach of the order is a criminal offence under section 42A of the Family Law Act 1996 and is therefore arrestable.

## Other useful resources

- [APP: Civil orders](#)
- [Government guidance: Non-molestation orders](#)
- [College Learn: MOSOVO civil orders briefing sheet](#) (you will need to log in)

## Pre-charge bail

The police can grant pre-charge bail, also known as police bail, to individuals arrested on suspicion of a criminal offence but where there are no grounds to keep them in detention while the investigation continues. Officers should review risk when making bail decisions (see [APP: Understanding risk and vulnerability in the context of domestic abuse](#)). The primary consideration of an officer determining bail conditions should be the safety and protection of the victim, children, the suspect and the wider public.

## Other useful resources

- [APP: Detention and custody](#)
- [College Learn: Pre-charge bail and risk](#) (you will need to log in)

## Restraining orders

Under the **Protection from Harassment Act 1997**, a court can impose a restraining order where the defendant is acquitted for an offence, if it considers it necessary to do so to protect a person from harassment from the defendant.

These orders are intended to be preventative and protective. The guiding principle is that there must be a need for the order to protect a person or people.

Restraining orders can only be made in respect of the defendant (not the victim or any witness), even if evidence in the course of a trial indicates that the behaviour of both the defendant and the victim requires addressing.

The types of cases in which a restraining order may be appropriate include, but are not limited to:

- cases where the defendant and witness know each other or have been in a previous intimate relationship (such as domestic violence cases)
- cases where the parties have ongoing contact (for example, where the victim runs a local business)
- cases where there is evidence that the victim has been targeted by the defendant in some way (for example, continued minor public order offences or criminal damage)

## Other useful resources

- [\*\*CPS guidance: Restraining Orders – Section 5, Protection from Harassment Act 1997\*\*](#)
- [\*\*College Learn: MOSOVO civil orders briefing sheet\*\*](#) (you will need to log in)

## Sexual harm prevention order

The court may make a sexual harm prevention order (SHPO):

- where it finds a person not guilty of a specified sexual or violent offence by reason of insanity
- where it finds that the defendant has a disability and has done the act charged against the defendant in respect of such an offence
- on the application of the police, in respect of a qualifying offender who poses a risk to the public

An SHPO may impose any restriction that the court deems necessary for the purpose of protecting the public from sexual harm.

## Other useful resources

- [APP: Court orders and notices](#)
- [College Learn: MOSOVO civil orders briefing sheet](#) (you will need to log in)
- [CPS guidance: Sexual harm prevention orders](#)
- [Guidance on Part 2 of the Sexual Offences Act 2003](#)

## Sexual risk order

Sexual risk orders (SROs) can be made by a court in respect of an individual who has done an act of a sexual nature and who, as a result, is reasonably believed to pose a risk of harm to the public in the UK or to children or vulnerable adults abroad. For an SRO to be imposed, the individual does not need to have committed a relevant (or any) offence.

## Other useful resources

- [APP: Court orders and notices](#)
- [College Learn: MOSOVO civil orders briefing sheet](#) (you will need to log in)
- [Guidance on Part 2 of the Sexual Offences Act 2003](#)

## Slavery and trafficking prevention and risk orders

There are two civil orders available under [Part 2 of the Modern Slavery Act 2015](#) that can be applied to those who pose a risk of harm from committing modern slavery offences in future.

Slavery and trafficking prevention orders (STPOs) are aimed at those:

- convicted
- cautioned
- who received a reprimand or final warning
- found not guilty by reason of insanity
- found to be under a disability and to have done the act charged in respect of a slavery or human trafficking offence, or an equivalent offence abroad

Slavery and trafficking risk orders (STROs) are aimed at individuals who have not been convicted of a slavery or human trafficking offence. STROs can be used alongside bail conditions in ongoing investigations or when investigations do not result in a conviction.

The STRO may be made if there is a risk that the defendant will commit a slavery or human trafficking offence, and that the order is necessary to protect against the risk of harm from the defendant committing the offence.

STROs can be obtained by the following, by making an application to court:

- police
- National Crime Agency (NCA)
- Gangmasters and Labour Abuse Authority
- immigration officers

STROs can be made for a minimum of two years, with no maximum duration. Breach of an STPO, STRO and the interim orders is a criminal offence.

## Other useful resources

- [Home Office guidance: Slavery and trafficking prevention and risk orders](#)
- [College Learn: Modern slavery investigator: Slavery and trafficking prevention order \(STPO\) and slavery and trafficking risk order \(STRO\) \(you will need to log in\)](#)

## Stalking protection order

A stalking protection order is a civil order that can be sought by the police under the [Stalking Protection Act 2019](#). The threshold to commence criminal proceedings for the commission of an offence does not need to be met for an order to be made. This enables early police intervention pre-conviction to address stalking behaviours before they become entrenched or escalate in severity, and to protect victims from more serious harm. However, there is no restriction as to the stage of the criminal justice process at which an order may be made. Depending on the circumstances, an order could be made following conviction or acquittal. They could also be made if a criminal prosecution is not pursued, though they should not be seen as an alternative to prosecution.

An application for an order must be authorised by an officer who is not below the rank of superintendent.

An application for a stalking protection order is made by way of complaint by the police, including the British Transport Police or Ministry of Defence Police, to a magistrates' court.

Within an application for a stalking protection order or an interim order, police can request both prohibitions from doing certain things (eg, prohibition from certain areas) and/or requirements to do certain things (eg, attend therapy sessions) within an order to protect the victim from the risk of stalking.

A person who, without reasonable excuse, breaches a stalking protection order or an interim order commits a criminal offence.

An interim stalking protection order is a temporary order imposing prohibitions and/or positive requirements as the court considers appropriate. It is to protect the victim during any period between the application for a full order and its determination.

## Other useful resources

- [APP: Stalking or harassment](#)
- [Home Office guidance: Stalking protection orders](#)
- [CPS guidance: Stalking and harassment](#)

## Violent offender order

A violent offender order (VOO) is a civil order may contain prohibitions, restrictions or conditions that prevent access to places, premises, events and people.

A VOO can only be applied for by a chief officer of police by complaint to a magistrates' court under the [Criminal Justice and Immigration Act 2008, Part 7](#) where a person is believed to pose a risk of serious violent harm to the public or any particular member of the public. This is defined as a current risk of serious physical or psychological harm, caused by the offender committing any one or more of the offences specified in the [Criminal Justice and Immigration Act 2008, s 98\(3\)](#).

The specified offences are:

- manslaughter
- an offence under section 4 of the Offences against the Person Act 1861 (soliciting murder)

- an offence under section 18 of the Offences against the Person Act 1861 (wounding with intent to cause grievous bodily harm)
- an offence under section 20 of the Offences against the Person Act 1861 (malicious wounding)
- attempting to commit murder or conspiracy to commit murder
- a relevant service offence, as set out in the [\*\*Criminal Justice and Immigration Act 2008, s 98\(4\)\*\*](#)

The offender must be over 18 and have a previous history of such offending, as listed in the [\*\*Criminal Justice and Immigration Act 2008, s 99\*\*](#).

Breach of a VOO is a criminal offence.

## Other useful resources

- [\*\*APP: Civil orders\*\*](#)

See also:

- [\*\*College Learn: MOSOVO civil orders briefing sheet\*\*](#) (you will need to log in)

# Civil orders – anti-social behaviour

## Banning order under The Housing and Planning Act 2016

The [\*\*Housing and Planning Act 2016\*\*](#) introduced banning orders that can be made against a landlord or agent who has been convicted of a banning order offence. The offences are set out in regulations and include a number of offences not directly related to housing, such as fraud, sexual assault, misuse of drugs, theft and stalking. To result in a banning order, such an offence must be committed.

These could be used in sex for rent cases.

## Other useful resources

- [\*\*Government guidance: Banning orders\*\*](#)

# Civil injunctions

Under the [\*\*Anti-social Behaviour, Crime and Policing Act 2014, s 1\*\*](#), a court may grant an injunction against a person aged 10 or over if the court both:

- is satisfied, on the balance of probabilities, that the respondent has engaged or threatens to engage in anti-social behaviour
- considers it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in anti-social behaviour

An injunction under this section must specify the period for which it has effect, or state that it has effect until further order. In the case of an injunction granted before the respondent has reached the age of 18, a period must be specified and it must be no more than 12 months.

An application for an injunction under this section must be made to:

- a youth court, in the case of a respondent aged under 18
- the High Court or the county court, in any other case

These orders could be used, for example, to:

- prevent a person associating with any female under the age of 16
- prevent someone using abusive, insulting, threatening or intimidating language or behaviour towards women
- exclude someone from a particular location in the case of, for example, kerb crawling, indecent exposure or upskirting

## Other useful resources

- [Home Office guidance: Punishments for antisocial behaviour](#)
- [College Learn: Anti-social behaviour: Your powers](#)
- [YOT practitioner's guide: Civil injunctions and the criminal behaviour order](#)

## Community protection notice

A community protection notice (CPN) is intended to prevent unreasonable behaviour that is having a negative impact on the local community's quality of life. They can be issued to individuals over the age of 16 and businesses or organisations.

Under the [Anti-social behaviour, Crime and Policing Act 2014, s 43](#), an authorised person (a constable or local authority or local authority designated person) may issue a CPN to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that:

- the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality
- the conduct is unreasonable

A CPN is a notice that imposes any of the following requirements on the individual or body issued with it:

- to stop doing specified things
- to do specified things
- to take reasonable steps to achieve specified results

A person issued with a CPN who fails to comply with it commits an offence. In relation to misogyny, CPNs could be used against a business that is not dealing with misogynistic behaviours, such as catcalling.

## Other useful resources

- [Home Office guidance: Punishments for antisocial behaviour](#)
- [College Learn: Anti-social behaviour: Your powers](#)

## Criminal behaviour order

The [criminal behaviour order](#) (CBO) is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

CBOs include prohibitions to stop the anti-social behaviour, and may also include requirements to address the underlying causes of the offender's behaviour.

CBOs are available under the [Sentencing Act 2020, Part 11](#). A CBO is available on conviction for any criminal offence, in any court, on the application of the prosecutor. The order is aimed at tackling the most serious and persistent offenders.

A CBO prohibits the offender from doing anything described in the order and can also include positive requirements (mentoring, anger management, drug rehabilitation). A CBO, where the offender is aged 18 or over, must run for at least two years but can be for an indefinite period. Each prohibition listed can run for specific periods of time. Breach of this order is punishable by up to five

years' imprisonment on indictment.

These orders could be used, for example, to:

- prevent a person associating with any female under the age of 16
- prevent someone using abusive, insulting, threatening or intimidating language or behaviour towards women
- exclude someone from a particular location in the case of, for example, kerb crawling, indecent exposure or upskirting

## Other useful resources

- [Home Office guidance: Punishments for antisocial behaviour](#)
- [College Learn: Anti-social behaviour – CBO guide for police](#)
- [College Learn: Anti-social behaviour – CBO process \(police\)](#)
- [College Learn: Anti-social behaviour: Your powers](#)

See also:

- [CPS guidance: Criminal behaviour orders](#)
- [YOT practitioner's guide: Civil injunctions and the criminal behaviour order](#)

## Public spaces protection order

A [public spaces protection order \(PSPO\)](#) is an order issued by a local authority that:

- prohibits specified things being done in the restricted area
- requires specified things to be done by people carrying on specified activities in that area
- does both of those things

A single PSPO can be used to target a range of different anti-social behaviour issues. Orders allow councils to introduce reasonable prohibitions and/or requirements regarding certain behaviours within the specified public area, and may also include prescribed exemptions.

Under the [Anti-social behaviour, Crime and Policing Act 2014, s 59](#), a local authority may make a PSPO if satisfied on the following reasonable grounds:

- activities carried on, or likely to be carried on, in a public place within the authority's area have had, or will have, a detrimental effect on the quality of life of those in the locality
- the effect, or likely effect, of the activities is of a persistent or continuing nature, or the activities are unreasonable
- the restrictions are justified

A PSPO may not have effect for a period of more than three years, unless extended.

A person failing to comply with a PSPO notice is liable on summary conviction to a fine not exceeding level 3 on the standard scale. A constable or authorised person may issue a fixed penalty notice of not more than £100.

In relation to misogyny, a PSPO could be used to prevent behaviour that is intimidating in public spaces.

## Other useful resources

- [LGA guidance for councils](#)

## Tags

Violence against women and girls