Guidance on Using the Application for Variation or Discharge of Restraining Order Template

(Form 93 of the District Court Rules 2014)

About the application for variation or discharge of restraining order

If a restraining order has been issued, the applicant or respondent to the order may apply for the order to be varied or discharged.

When applying for a restraining order to be varied or discharged (in addition to form 93) you must also file:

* A notice of proceeding (form 94)
* An affidavit in support of the application
* A copy of the order to be varied or discharged.

You must file your application (along with the supporting documents) before the documents can be served. Please ensure that you file sufficient copies of all the documents: one copy for the court, and one copy for every respondent to the application.

If you are applying for a restraining order, or are a protected person who is a party to an application to vary or discharge a restraining order, you may apply to the court to keep your address confidential from the other parties to the proceeding. If you wish to keep your address confidential please:

* Do not enter your address when filling in this form, and
* File a notice of residential address and request for confidentiality (form 95).

How to use the template

All the required fields are set out in the template on the following two pages.

The sections that you have to fill out are marked with red text. The red text explains what you need to put in. These are fillable form fields, so click on the red text and start typing. The red text will be replaced by the content that you type. If you want to leave the field blank, just enter a space.

The blue text is explanatory notes. Delete these notes before printing the form.

Formatting your form

Before printing the form, check that the pages are numbered. Numbering should start at page 1 on the page after the cover page (i.e. the cover page should not be numbered). The template is set up to automatically number the pages in this matter.

You may print the form either single or double-sided. However, the cover sheet must not be double sided. If you print double sided you must adjust the margins as follows:

* In the “Margins” section in Word, select “Custom Margins”. In the box that pops up, find the field called “Multiple pages”. Select “Mirror Margins” from the dropdown menu, and click OK.
* The wide margin should now be on the left of every front page, and on the right of every reverse page.

Once you have completed the form, print and sign it.

No: Enter the CIV number (court reference number) if known.

In the District Court at Choose an item.

Under the Harassment Act 1997

Applicant’s full name, address and occupation.

(applicant)

 Respondent’s full name, address and occupation.

(respondent)

If there is an associated respondent, enter their details as well.

Application for variation/discharge of restraining order

Next event date: Next court event date (if known). Delete this line if unknown.

Judicial officer: Judge hearing the next event (if known). Delete this line if unknown.

**NOTE: enter enough lines above so this section is at the bottom of the cover page.**

Filed by your name, the applicant in person.

Complete the relevant statement and delete the statement that does not apply.

I, your full name, apply for an order that the restraining order made in the District Court at place, date and time that the restraining order was made be varied by:

See section 22(1) of the Harassment Act 1997. Specify the variation that you are seeking;

on the following grounds:

Specify grounds.

OR

I, your full name, apply for an order discharging the restraining order made in the District Court at place, date and time that the restraining order was made on the following grounds:

place, date and time that the restraining order was made

**Affidavit in support**

I rely on the content of the affidavit dated date of affidavit filed in support of this application.

(Note: if someone else was the deponent of the affidavit, specify in the above sentence the name of the deponent).

Date:

Signature: (sign here)

(applicant)

**Date of hearing**

(The Registrar completes the following section)

I appoint

at the District Court at

for the hearing of this application.

Date:

Signature:

(Registrar)