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| APPLICATION BY PROTECTED PERSON TO VARY OR DISCHARGEA DOMESTIC ABUSE PROTECTION ORDER(Criminal Procedure Rules, rule 31.5; section 44 Domestic Abuse Act 2021) |
| This is an application by ………………..………………………………….....………… (name of applicant)for the court to [ ]  vary a domestic abuse protection order [ ]  discharge a domestic abuse protection orderthat was made against the defendant for the protection of the person making this application.**Note to applicant:** You may be able to apply for legal aid, for a solicitor to represent you – follow this link for more details (<https://www.gov.uk/legal-aid>)Name of defendant:……………….…………………………………………………………………...Defendant’s address (if known) ………………….…………………………………………………..Court: …….……………………………………………………..………………………………………This means the court that made the domestic abuse protection order. You can find court addresses and contact details at <https://www.gov.uk/find-court-tribunal>Case reference number: |
| Use this form ONLY for an application to vary or discharge a domestic abuse protection 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. The application should be made to the court that last made the domestic abuse protection order you are applying to vary or discharge. If you want to change a domestic abuse protection order made by another court, for example the family court – please apply to that court. There is a different application form for use by a defendant who wants the court to vary or discharge a domestic abuse protection order.**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 expand. 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 (see box 5 below)Do NOT send the form to anyone else.**IMPORTANT** - **This application form including all the details of your application may be served on the person against whom the order was made.** **Please provide your address in the confidential annex – the person against whom the order was made will not see this.**  |
| **Important information for the defendant****If you want to respond to this application you must let the court know within 10 business days.**[[1]](#footnote-2) 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://www.gov.uk/find-court-tribunal>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](http://www.solicitors.lawsociety.org.uk). Or you can phone the Law Society on 020 7320 5650. |
| **1) Details of the domestic abuse protection order.** Give the date on which the order was made, and its terms (or attach a copy of it). |
| **2) Details of any previous application by you.** If this is not the first time that you have asked the court to vary or discharge this domestic abuse protection order, give details of each previous application that you have made. |
| 3) Reasons for this application. Explain:(a) what has changed (if anything) since the court first made this order or since the court decided any previous application to vary or discharge this order(b) when it was that you found out about those changes (if any), and(c) why the court should vary or discharge the order – if you’re applying to remove some conditions or discharge (i.e cut the order short), please give reasons why you’re asking for that.It is important for you to explain those three things as fully as you can in this form. The court may decide not to arrange a hearing. Then what you have written in this form will be the only explanation that the court receives of what you want and why. |
| 4) 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 court case where the domestic abuse protection order was first made). |
| 5) Giving notice of this application.You must serve a copy of this application on the prosecutor. If you do not know the address, ask at the court office.The court will send a copy of this application to the chief officer of police for the area where you live.Do not send a copy of this application to anyone else (e.g. the person against whom the order you want the court to vary or discharge is made) unless the court orders you to do so. |
| **6) I want the court to decide this application:** [ ]  without a hearing. In some circumstances the court can decide the application without a hearing but the court must not:(a) dismiss your application unless you have had an opportunity to make representations (which includes what you say in this form), or(b) allow your application unless everyone entitled to a copy of your application has had at least 10 business days in which to make their own representations, including representations about whether there should be a hearing. [ ]  at a hearing. If you think that the court ought to arrange a hearing, explain why. It is up to the court to decide whether to arrange a hearing or not. |
| **Signed**: ……………………………………………**Date**: …………………………. |

1. A business day is any day except Saturday, Sunday, Christmas Day, Boxing Day, Good Friday, Easter Monday or a bank holiday: see Criminal Procedure Rules, rule 2.2. [↑](#footnote-ref-2)