

MEET THE TEAM

GET IN TOUCH

Mary Nimmo, our Court Partner, is the head of our Dispute Resolution team at Munro & Noble. Mary leads a professional and knowledgeable team of solicitors and paralegals. Mary is also a Bar Reporter for the Courts and a Highland Council Safeguarder.

Angela Knapp works within our Court Department and is often the first point of contact if you are urgently seeking help or advice. Angela has worked at Munro & Noble as a Paralegal since 1979 and has extensive experience in all aspects of Family Law.



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For more information on any of the points raised in this leaflet or to discuss our flexible and clear feeing structure please contact Angela or Mary on 01463 221727.

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PROTECTION FROM
DOMESTIC ABUSE &
FORCED MARRIAGE



MUNRO & NOBLE

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for you - with you

Abusive relationships can be difficult to escape. At Munro & Noble we can offer you confidential and sensitive advice to assist you through difficult times.

PROTECTION FROM DOMESTIC ABUSE & FORCED MARRIAGE

Once you have made that first decision to seek help, there are many sanctions available to you. You can apply to the Courts for various protective orders. The law can offer you refuge in your own home, by stopping your partner entering. It can afford you a barrier against your partner contacting you by any means. Legislation provides for a Power of Arrest to be applied should your former spouse or partner not abide by these rules.

Abuse can take many different forms

- Physical;
- Sexual;
- Psychological;
- Verbal;
- Emotional;
- Economic.

At Munro & Noble we have significant experience in this area of law. We understand the distress and pain this causes and will work closely with other organisations who can offer additional support and practical advice to you and your children. We will listen and provide support in total confidence.

PROTECTIVE MEASURES AVAILABLE

MATRIMONIAL INTERDICTS

A Matrimonial Interdict is a remedy designed for your protection. This Court Order restrains or prohibits the conduct of one partner against the other. This has the effect of the better known “restraining order”, where you can define the terms and conditions with which your partner can come into contact with you, for instance by telephone, text message, email etc., or not at all. Matrimonial Interdicts are relatively common in certain circumstances.

EXCLUSION ORDERS

An Exclusion Order provides a very effective remedy against domestic violence. Even where your partner is the owner or tenant of your home, an Exclusion Order can seek to have them removed and thereafter disallowed from returning, this allows you and your family to remain in, or return to, the matrimonial home ensuring your safety.

POWER OF ARREST

A Power of Arrest is available in circumstances where it is apparent that your spouse or former partner is unlikely to abide by the terms of an Interdict or Exclusion Order. The Family Law (Scotland) Act 2006 provides that a Power of Arrest will allow a Police Officer to arrest a spouse who is believed to be in breach of an interdict, meaning that if your spouse has an exclusion order against them from entering your property, and they force

their way into your house, you can phone the police who have every right to arrest them without the requirement of a warrant. Although these orders are civil in nature, they can carry criminal consequences.

COURT ORDERS AND THE EFFECT ON YOUR CHILDREN

It must not be forgotten that even though you do not want your spouse or former partner to enter your personal space, your children may not feel the same. After all, they may feel your spouse or former partner is still their parent, regardless of their behaviour. We can offer confidential and sensitive advice regarding the consequences of protective measures. We also work closely with other Agencies if you are concerned as to the effect of protective measures on your children.

FORCED MARRIAGE

Since 2011 and following increased awareness of a growing problem in Scotland, Scots Law has provided a remedy for anyone threatened with a forced marriage. It is not competent for a person or any interested person such as a family member or a friend to ask the court on behalf of the potential victim for a marriage protection order.

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