

## INTRODUCTION

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

## PROTECTION FROM DOMESTIC ABUSE AND 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 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 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 if 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 disallowed from returning, this allows you and your family to remain in 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 him from entering your property, and he forces his way into your house, you can phone the police who have every right to arrest him without the requirement of a warrant. There are then criminal remedies which can be sought by you.

### 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 competent for a person, or any interested party such as a family member or a friend, to ask the court on behalf of the potential victim for a Forced Marriage Protection Order.

## MEET THE TEAM

Mary Nimmo (Senior Partner), leads our Court Department and brings extensive experience in litigation at both Sheriff Court and Court of Session level. She advises clients across a broad range of matters, including family law. Mary can provide clear, expert guidance on the preparation and negotiation of prenuptial agreements, combining her skills as an advanced Collaborative Lawyer with her strong litigation background. Whether you are seeking an amicable agreement or require more formal court involvement, Mary's practical and professional approach ensures you are in safe hands.

Sarah Windsor is a highly experienced solicitor with over fifteen years specialising exclusively in family law. Based between our Inverness and Dingwall offices, Sarah can expertly assist with the preparation of prenuptial agreements, ensuring your interests are protected as you enter into marriage. She approaches all matters with a focus on achieving amicable solutions but is also a skilled litigator should more formal court proceedings be necessary. With a strong track record across courts throughout the Highlands, Islands, and beyond, Sarah offers practical, clear advice tailored to your individual circumstances.

## GET IN TOUCH

Here at Munro & Noble, we have an experienced team who are available to guide you and your family through the unexpected as well as the expected. We are here to help with all family matters and also to assist you in planning for the future.

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