**ANNEX B**

**Civil protection orders**

Depending on what kind of relationship the two persons have/had different regulations are applicable.

The Marriage Code

If they are married and applying for a divorce or if the court has decided on a divorce the Marriage Code (Swedish Code of Statutes 1987:230) is applicable. According to Chapter 14, Section 7 the court may during a divorce procedure decide on a protection order between the two spouses at the request of one of the parties. The protection order is mutual and temporary and can only be effective until the divorce has entered into force.

If the divorce has already been settled by the court but the property division has not been made, a protection order can be decided by the court at the request of one of the ex-spouses, according to Chapter 18, Section 2 of the Marriage Code. The protection order is mutual and temporary and can only be effective until the property division has been made.

The Cohabitees Act

If the two persons have been living together without being married in a cohabitee relationship the Cohabitee Act (Swedish Code of Statutes 2003:376) is applicable. Cohabitees means two persons who permanently live together as a couple in a relationship, i. e where a joint sexual life normally forms part. The couple have a joint household, which means that they share chores and expenses. The Cohabitee Act regulates the division between the joint property when the relationship ends. In a Cohabitee relationship the division of property only includes the joint dwelling and household goods, provided that the property has been acquired for joint use.

When the cohabitees have separated and the relationship therefore has ended, the court, may on the request of one of the cohabitees decide on a protection order. The protection order is mutual and temporary and can according to Section 28 be decided until the persons have made the division of the joint property. According to Section 31 it is also possible for the court to decide upon a mutual protection order when one of the cohabitees has brought action that the court should decide that he or she has the better right to an apartment owned or rented by the other cohabitee. The protection order can only be effective until the court decision regarding better right has entered into force.

The Registered Partnerships Act

If the two persons partnership has been registered under the Registered Partnership Act (Swedish Code of Statutes 1994:1117) the rules for married couples regarding protection orders are applicable. (Chapter 14, Section 7 and Chapter 18, Section 2 of the Marriage Code, see above). The Registered Partnership Act ceased to apply at the end of April 2009 but a partnership already registered continues to be a registered partnership until it is dissolved or converted into a marriage.

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The protection orders under the mentioned regulations can be appealed to the Court of Appeal and the Supreme Court. Some decisions can only be appealed to the Court of Appeal.

Trespassing the above mentioned protection orders is a criminal offence (reference to Section 24 of the Non-Contact Order Act, Swedish Code of Statutes 1988:688, in the regulations in question).