

**Chapter 35: Guidance on answering the self-test questions**

**Question 1: See the example involving Nosizwe and Josh above. On the return date the court makes both an occupation order and a non-molestation order in favour of Nosizwe. The court attaches a power of arrest to the occupation order. Explain the effect of a power of arrest to Josh.**

A power of arrest is a serious matter and the client should be encouraged to make this very seriously. Should Josh breach the terms of the order, the power of arrest means that should the applicant complain of the breach of the order to the police and the police can arrest Josh and take him to the court in order that the court can decide if a breach has occurred.

**Question 2: The terms of the occupation order are for Josh not to enter the family home. Nosizwe comes home on Friday evening after a night out to find Josh in the house. He calmly states that he is collecting some clothes and leaves immediately. Advise Josh on what enforcement action Nosizwe can take and the procedural steps required.**

Nosizwe can telephone the police to ask them to arrest Josh for the alleged breach of the order. Alternatively, Nosizwe can apply to the court for a committal for Josh to show cause why he should not be imprisoned for contempt of court. However, the power of arrest is by far the easier route to take.