

WHAT IS A CIVIL RESTRAINT ORDER? AND WHEN IS IT ISSUED?

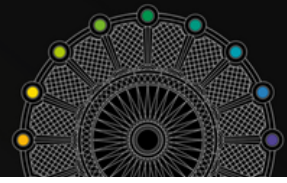
A civil restraint order (CRO) is a legal measure implemented by a court, designed to prevent the misuse of the judicial system through frivolous or vexatious litigation. Essentially, these orders limit an individual's ability to make further applications to the court. As such, any form of a CRO carries significant implications for litigants: affecting both the success of their case and – potentially – their ability to access the courts in future.

When a court dismisses an application as being completely devoid of merit, it is then obligated to consider whether it is appropriate to issue a CRO. The criterion for an application being 'totally without merit' hinges on its likelihood of failure – it is not necessary to prove that the application was vexatious or abusive.

However, there are instances where an application might have merit, but the surrounding circumstances warrant the court's consideration of a CRO. For example, in [R \(Henry\) v Bar Standards Board](#), the claimant's track record of similar, meritless applications was considered sufficient grounds for the imposition of a CRO.

This illustrates the court's broad discretion in issuing a CRO when they perceive an application to be without merit and vexatious.





Civil restraint orders can be categorised into three types:

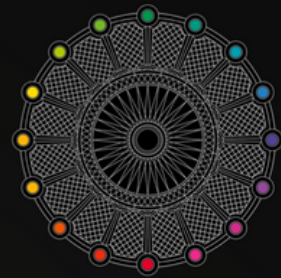
1. A **limited CRO** is a court order that prevents individuals recognised as vexatious litigants from making any further applications in ongoing proceedings without court permission. It is applicable when an individual has made two or more applications that are totally without merit. This order remains effective for the duration of the proceedings in which it is made unless otherwise ordered by the court.
2. An **extended CRO** order goes beyond this, with the breadth and severity of the restrictions depending on the court from which the order is issued. For example, an order from a designated civil judge restricts any applications to the County Court related to the specific proceedings, while an order from a Court of Appeal judge prohibits applications in any court. These orders can last up to three years and are issued in cases where a party persistently submits meritless applications.
3. A **general CRO** is the most severe type. It is reserved for situations where a party continuously files baseless applications, and an extended CRO would not be sufficient or appropriate. Similar to extended CROs, this order is effective for three years, but their scope varies based on the issuing court. This order restricts the ability of a party to bring any application before the court, related or unrelated to the proceedings in which it is issued.

Submitting further applications that are deemed completely without merit can result in the revocation of the right to appeal.

The severe consequences of CROs underscore the judicial system's serious stance on vexatious litigation. Individuals subject to these orders not only face significant restrictions on their access to justice but also are listed on an [online register of vexatious litigants](#), marking their abuse of the legal system.

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