**In the Family Court No: [*Case number*]**

**sitting at [*Court name*]**

**[The Matrimonial Causes Act 1973] /**

**[The Civil Partnership Act 2004] /**

**[Schedule 1 to the Children Act 1989] /**

**[The Inheritance (Provision for Family and Dependants) Act 1975] /**

**[The Matrimonial and Family Proceedings Act 1984 and Schedule 7 to the Civil Partnership Act 2004]**

**(Delete as appropriate)**

**The** **[Marriage] /** **[Relationship] /** **[Family] of [*applicant name*] and [*respondent name*]**

**(Adapt as necessary)**

After hearing [*name the advocate(s) who appeared*]

After consideration of the documents lodged by the parties

**(In the case of an order made without notice)** After reading the statements and hearing the witnesses specified in para [*para number*] of the Recitals below

**ORDER MADE GRANTING A [WARRANT] / [WRIT] OF CONTROL BY [*NAME OF JUDGE*] ON [*DATE*]**

**(By s31e(2) mfpa 1984 the Family Court issues a warrant where the High Court would have issued a writ. If the case is proceeding in the High Court, this order should be modified to refer to a writ rather than a warrant)**

**The parties**

1. The applicant is [*applicant name*]

The respondent is [*respondent name*]

Further respondent(s): [*further respondents names*]

**(Specify if any party acts by a litigation friend)**

**Recitals**

1. **(In the case of an order made without notice)**
	1. This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent was [*insert*];
	2. The Judge read the following [affidavits] / [witness statements] /[*insert*] and heard oral testimony from [*name*].
2. **(In the case of an order made following the giving of short informal notice)**

This order was made at a hearing without full notice having been given to the respondent. The reason why the order was made without full notice having been given to the respondent was [*insert*].

**Findings of the court**

1. [*Name of judge*] made an order on [*date*] requiring the respondent to [*insert* **(e.g. ‘pay a lump sum to the applicant of £[amount] by [date and time]’)**]
2. It appears that the amount owing under that order is:

|  |  |
| --- | --- |
| Sums remaining due for payment under the order | £[*amount*] |
| Interest to the date of the order | £[*amount*] |
| Quantified costs incurred prior to the date of the hearing | £[*amount*] |

**IT IS ORDERED THAT:**

1. [Permission is granted to the applicant to issue a request for the issue of a [warrant] / [writ] of control.]
2. The enforcement officer(s) authorised to enforce [warrants] / [writs] of control shall:
	1. be entitled to enter the respondent’s premises at [*respondent address*] / [*other address*] between the hours of [*times*] on [*days* **(e.g. ‘weekdays’, ‘any day [on giving [period] notice to the respondent]’ etc.)**] [using reasonable force if necessary] for the purposes of searching for and taking control of goods, chattels and other property of the respondent to the value set out at paragraph [*para number*] above and in the Schedule below;
	2. take control of goods, chattels and other property of the respondent to the value set out at paragraph [*para number*] above and in the Schedule below [using reasonable force if necessary], having given the respondent [at least 7 days’] / [*insert shorter period*] notice of enforcement;
	3. sell the goods, chattels and other property of the respondent at a public auction(s) for the best price that can reasonably be obtained; having given the respondent, and any co-owner of any of the goods, chattels or other property, [at least 7 days’] / [*period*] notice of the date, time and place of the public auction(s);
	4. immediately after selling those goods, chattels and other property of the respondent, apply the proceeds of sale as follows:
		1. to pay to the co-owner of any of those goods, chattels or other property, a share of the proceeds of sale proportionate to their interest in the relevant goods, chattels or other property;
		2. to pay to the applicant the sum set out in paragraph [*para number*] above and in the Schedule below [together with any additional interest that has accrued];
		3. to retain a sum equivalent to the fees and charges to which the enforcement officer[s] [is] / [are] entitled; and
		4. to pay any balance to the respondent.
3. This [warrant] / [writ] shall remain valid for a period of 12 months from the date the notice of enforcement is given to the respondent in accordance with regulation 7 of the Taking Control of Goods Regulations 2013.
4. [The [warrant] / [writ] issued on [date] shall remain valid for a further period of 12 months from the date of the expiry of that [warrant] / [writ] / [*date*] in accordance with regulation 9 of the Taking Control of Goods Regulations 2013.]

Dated [*date*]

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**(Delete as appropriate)**

**The [Marriage] / [Relationship] / [Family] of [*applicant name*] and [*respondent name*]**

 **(Adapt as necessary)**

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our other realms and territories Queen, Head of the Commonwealth, Defender of the Faith.

TO**:** [*insert* **(e.g. ‘an enforcement officer authorised to enforce warrants of control’)**]

IN THIS MATTER a Judgment or Order was made as set out in the Schedule.

YOU ARE NOW COMMANDED to seize in execution the goods, chattels and other property of the respondent authorised by law and raise therefrom the sums detailed in the Schedule, [together with fees and charges to which you are entitled]. And immediately after execution to pay [the applicant] [*applicant name*] the said sums and interest.

YOU ARE ALSO COMMANDED to indorse on this [warrant] / [writ] immediately after execution a statement of the manner in which you have executed it and send a copy of the statement to the [applicant] / [respondent].

WITNESS [*name*] Lord High Chancellor of Great Britain, the [*date*]

The address[es] for enforcement are [*respondent address*] / [*other full address*].

**SCHEDULE**

1. Date of Judgment or Order: [*date*]
2. Amount of Judgment or Order
(including interest awarded by
Judgment or Order):

£[*amount*]

1. Fixed Costs on Judgment or Order

 £[*amount*]

1. Assessed costs (if any) [by costs certificate dated [*date*]

£[*amount*]

1. **(If sent from county court by certificate)**Interest post-Judgment or Order on county court judgment or order over £5,000) until date of certificate

£[*amount*]

1. **LESS** credits or payments received since Judgment or Order

 £[*amount*]

**Sub Total: £[*amount*]**

THIS [WARRANT] / [WRIT] WAS ISSUED by the Family Court sitting at [*name of court*] on [*date*] on the application of [*applicant name*] of [*applicant address*] / [agent for [*applicant name*] of [*applicant address*]] / [solicitor for the claimant] / [the claimant [*applicant name*] in person who resides at [*applicant address*]]