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



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

**The Arbitration Act 1996 section 42**

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

**(Adapt as necessary)**

After hearing [*name the advocates(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 witness(es) specified in the Recitals below

**ORDER MADE BY [*NAME OF JUDGE*] ON [*DATE*] SITTING IN [OPEN COURT] / [PRIVATE]**

**The Parties**

1. The applicant is [*applicant name*]

The respondent is [*respondent name*]

[The second respondent is [*name*]]

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

**Definitions**

1. IFLA is the Institute of Family Law Arbitrators.
2. Form ARB1FS is the arbitration agreement signed by the parties of which a copy has been lodged with the court.
3. The arbitration is an arbitration which is to be conducted in accordance with the rules of the IFLA arbitration scheme.
4. The arbitrator is [*name*].
5. The arbitrator's order is a peremptory order made on [*date*] pursuant to section 41(5) of the Arbitration Act 1996 which required the respondent to comply with its terms [by [*date*]] / [without prescribing a date for compliance].

**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 [*set out*].
   2. The Judge read the following [affidavits] / [witness statements] / [*set out*] 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 [*set out*].

1. **(In the case of an application commenced elsewhere than in the Family Court)**  
   This application was transferred to this court from the [*specify*] [Division] / [Court] by order of [*name of judge*] on [*date*].
2. The arbitration has commenced and is continuing.
3. The arbitrator's order is (so far as relevant to this application) in the following terms: [*set out* **(in the words of the arbitrator's order)**]
4. This application is for an order under section 42 of the Arbitration Act 1996 for the enforcement of the arbitrator's order and is made [by the arbitrator, upon notice to the parties] / [by the applicant with the permission of the tribunal, upon notice to the other party/ies)] / [by the applicant, the parties having agreed that the powers of the court under this section shall be available].
5. This court is satisfied that:
   1. the applicant has exhausted all available arbitral process in respect of the respondent's failure to comply with [that] / [those] provision[s]of the peremptory order; and
   2. the respondent has failed to comply with [that] / [those] provision[s]of the peremptory order [within the time prescribed by the order] /[within a reasonable time, no time for compliance having been prescribed].

**Agreements**

1. [*Set out*]

**Undertakings to the court**

1. [*Set out*]

**IT IS ORDERED [BY CONSENT]:**

1. The respondent shall comply with the peremptory order by no later than [*date*].

**(Or)**

1. **(Other orders)**
2. **(If applied for)** Permission to appeal against this decision is [granted] / [refused].
3. **(Provision for costs)**

Dated [*date*]

**(Where undertakings have been given)**

**Notice pursuant to PD 37A para 2.1**

You [*applicant name*], and you [*respondent name*], may be sent to prison for contempt of court if you break the promise that have been given to the court

**Statements pursuant to PD 37A para 2.2(2)**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[*applicant name*]

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

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[*respondent name*]