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



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

**The Debtors Act 1869**

**The [Marriage] / [Relationship] 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

**ORDER FOR COMMITTAL MADE BY [*NAME OF JUDGE*] ON [*DATE*] SITTING IN OPEN COURT**

**The Parties**

1. The applicant is [*applicant name*]   
   The respondent is [*respondent name*]   
   **(Specify if any party acts by a litigation friend)**

**Recitals**

1. This is an order for committal to prison made pursuant to the Debtors Act 1869, section 5.
2. On [*date*] in the [*name of court*] it was ordered that the respondent [*respondent name*] do pay to the applicant [*applicant name*] [periodical payments for [himself] / [herself] during their joint lives or until such date as [he] / [she] remarry or until further order] / [for the child[ren] of the family [*child(ren)’s full name(s)*]] [at the rate of £[*amount*] per week] / [a lump sum of £[*amount*]].

1. The court read the following affidavits/witness statements [*set out*] and heard oral testimony from [*name*].
2. The court was satisfied that the respondent has failed to pay the sum due under the order (together with the fee for the issue of the application to commit) calculated as follows **(for example)**:

|  |  |
| --- | --- |
| Sum in payment of which respondent had made default at the time of the application to commit (including interest to the date of application, if applicable) | **[£10,000.00]** |
| Interest from date of application to date of this order (if applicable) | **[£50.00]** |
| Fee and costs on issue and hearing of application | **[£750.00]** |
| Less travelling expenses to be paid to the respondent | **[(£50.00)]** |
| Less amount paid since issue of application (if applicable) | **[(£100.00)]** |
| **Total** | **[£10,650.00]** |

1. It was proved to the satisfaction of the court that the respondent has (or has had since the date of the order) the means to pay the sum and refuses or neglects (or has refused or neglected) to pay the sum and the respondent has given no good reasons why [he] / [she] should not be committed to prison.

**IT IS ORDERED THAT:**

1. The respondent shall be committed to prison for [*number* **(not exceeding 42)**] days unless [he] / [she] pays the sum stated in para 5 above, or files an affidavit stating that a receiving order or an order of adjudication in bankruptcy has been made against [him] / [her].
2. A warrant for the committal of the respondent shall be issued forthwith by way of execution of the above order.
3. The respondent do pay the applicant’s costs in the sum of £[*amount*], which sum is reflected within the calculation at para 5 above.

Dated [*date*]