



In the Family Court No: [*Case number*]
sitting at [*Court name*]

[The Matrimonial Causes Act 1973]
[The Civil Partnership Act 2004]
[The Matrimonial and Family Proceedings Act 1984]
[The Senior Courts Act 1981]
(DELETE AS APPROPRIATE)

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

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

After reading the statements and hearing the witnesses specified in the recitals below

SEARCH ORDER MADE BY [*NAME OF JUDGE*] ON [*DATE*] SITTING IN
PRIVATE

TO [*RESPONDENT NAME*] OF [*RESPONDENT ADDRESS*]

**WARNING: IF YOU [*RESPONDENT NAME*] DISOBEY THIS ORDER YOU
MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE
IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES
ANYTHING WHICH HELPS OR PERMITS [*RESPONDENT NAME*] TO
BREACH THE TERMS OF THIS ORDER MAY BE HELD TO BE IN
CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE
THEIR ASSETS SEIZED**

The parties and other relevant persons

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)
The applicant's solicitor is [*applicant's firm name*]
The supervising solicitor is [*supervising solicitor's firm name*]
2. Unless otherwise stated, a reference in this order to 'the respondent' means all of the respondents.

3. This order is effective against any respondent on whom it is served or who is given notice of it.

Definitions and interpretation

4. A respondent who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
5. A respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

Recitals

6. This is a search order made against the respondent [*respondent name*] on [*date*] by [*name of judge*] on the application of the applicant [*applicant name*].
7. The Judge read the following affidavits/witness statements [*set out*] and heard oral testimony from [*name*].
8. This order was made at a hearing [*without notice*] / [*on short informal notice*] to the respondent. The reason why the order was made [*without notice*] / [*on short informal notice*] to the respondent was [*set out*]. The respondent has the right to apply to the court to vary or discharge the order – see “**The right to seek variation or discharge of this order**” below.
9. There will be a further hearing in respect of this order on [*date*] (“the return date”).

Undertakings given to the court by the applicant [*applicant name*]

10. If the court later finds that this order or carrying it out has caused loss to the respondent [*or to any third party*], and decides that the respondent [*or the third party*] should be compensated for that loss, the applicant will comply with any order the court may make. Further, if the carrying out of this order has been in breach of the terms of this order or otherwise in a manner inconsistent with the applicant’s solicitors’ duties as officers of the court, the applicant will comply with any order for damages the court may make
11. By [*time and date*] the applicant shall issue and serve an application notice [*in the form of the draft produced to the court*] [*claiming the appropriate relief*].
12. The applicant shall [*swear and file an affidavit*] / [*cause an affidavit to be sworn and filed*] [*substantially in the terms of the draft affidavit produced to the court*] / [*confirming the substance of what was said to the court by the applicant’s counsel/solicitors*].
13. The applicant will not, without the permission of the court, use any information or documents obtained as a result of carrying out this order nor inform anyone else of these proceedings except for the purposes of these proceedings (including adding further respondents) or commencing civil proceedings in relation to the same or related subject matter to these proceedings until after the return date.

14. [The applicant will maintain pending further order the sum of £[amount] in an account controlled by the applicant's solicitors.]
15. [The applicant will insure the items removed from the premises.]

Undertakings given to the court by the applicant's solicitor [firm name]

16. The applicant's solicitor will provide to the supervising solicitor for service on the respondent –
 - a. a service copy of this order;
 - b. the application notice or, if not issued, the draft produced to the court;
 - c. an application for hearing on the return date;
 - d. copies of the [affidavits] / [draft affidavits] and exhibits capable of being copied containing the evidence relied upon by the applicant;
 - e. a note recording the substance of the dialogue with the court at the hearing and the reasons given by the court for making the order, which note shall include (but not be limited to) any allegation of fact made orally to the court where such allegation is not contained in the affidavits or draft affidavits read by the judge; and
 - f. a copy of the skeleton argument produced to the court by the applicant's [counsel] / [solicitors].
17. The applicants' solicitor will answer at once to the best of his ability any question whether a particular item is a listed item.
18. Subject as provided below the applicant's solicitor will retain in his own safekeeping all items obtained as a result of this order until the court directs otherwise.
19. The applicant's solicitor will return the originals of all documents obtained as result of this order (except original documents which belong to the applicant) as soon as possible and in any event within [two] / [specify if other] working days of their removal.

Undertakings given to the court by the supervising solicitor [supervising solicitor's firm name]

20. The supervising solicitor will use his best endeavours to serve this order upon the respondent and at the same time to serve upon the respondent the other documents required to be served and referred to under “**Undertakings given to the court by the applicant's solicitor [applicant's firm name]**” above.
21. The supervising solicitor will offer to explain to the person served with the order its meaning and effect fairly and in everyday language, and to inform him of his right to take legal advice (including an explanation that the respondent may be entitled to avail himself of the privilege against self-incrimination and legal professional privilege) and to apply to vary or discharge this order as mentioned under “**The right to seek variation or discharge of this order**” below.
22. The supervising solicitor will retain in the safekeeping of his firm all items retained by him as a result of this order until the court directs otherwise.

23. Unless and until the court otherwise orders, or unless otherwise necessary to comply with any duty to the court pursuant to this order, the supervising solicitor shall not disclose to any person any information relating to those items, and shall keep the existence of such items confidential.
24. Within [48] / [*specify other*] hours of completion of the search the supervising solicitor will make and provide to the applicant's solicitors, the respondent or his solicitors and to the judge who made this order (for the purposes of the court file) a written report on the carrying out of the order.

Restrictions on Search

25. This order may not be carried out at the same time as a police search warrant.
26. Before the respondent allows anybody onto the premises to carry out this order, he is entitled to have the supervising solicitor explain to him what it means in everyday language.
27. The respondent is entitled to seek legal advice and to ask the court to vary or discharge this order. Whilst doing so, he may ask the supervising solicitor to delay starting the search for up to 2 hours or such other longer period as the supervising solicitor may permit. However, the respondent must –
 - (a) comply with the terms of paragraph 48 (“The right to seek variation or discharge of this order”) below;
 - (b) not disturb or remove any listed items; and
 - (c) permit the supervising solicitor to enter, but not start to search.
28. (1) Before permitting entry to the premises by any person other than the supervising solicitor, the respondent may, for a short time (not to exceed two hours, unless the supervising solicitor agrees to a longer period) –
 - (a) gather together any documents he believes may be incriminating or privileged; and
 - (b) hand them to the supervising solicitor for him to assess whether they are incriminating or privileged as claimed.

(2) If the supervising solicitor decides that the respondent is entitled to withhold production of any of the documents on the ground that they are privileged or incriminating, he will exclude them from the search, record them in a list for inclusion in his report and return them to the respondent.

(3) If the supervising solicitor believes that the respondent may be entitled to withhold production of the whole or any part of a document on the ground that it or part of it may be privileged or incriminating, or if the respondent claims to be entitled to withhold production on those grounds, the supervising solicitor will exclude it from the search and retain it in his possession pending further order of the court.
29. If the respondent wishes to take legal advice and gather documents as permitted, he must first inform the supervising solicitor and keep him informed of the steps being taken.

30. No item may be removed from the premises until a list of the items to be removed has been prepared, and a copy of the list has been supplied to the respondent, and he has been given a reasonable opportunity to check the list.
31. The premises must not be searched, and items must not be removed from them, except in the presence of the respondent.
32. If the supervising solicitor is satisfied that full compliance with paragraphs 30 or 31 is not practicable, he may permit the search to proceed and items to be removed without fully complying with them.

IT IS ORDERED THAT:

The Search

33. The respondent must permit the following persons –
 - a. the supervising solicitor [*supervising solicitor's firm name*];
 - b. the applicant's solicitor [*applicant's firm name*]; and
 - c. up to [*number*] other persons being [*their identity or capacity*] accompanying them, (together 'the search party'), to enter the premises known as [*specify*] and any other premises of the respondent disclosed under "Provision of Information" below and any vehicles under the respondent's control on or around the premises ('the premises') so that they can search for, inspect, photograph or photocopy, and deliver into the safekeeping of the applicant's solicitors all the documents and articles which are listed in the following paragraph.
34. The listed items are:- [*specify in detail*]
35. Having permitted the search party to enter the premises, the respondent must allow the search party to remain on the premises until the search is complete. In the event that it becomes necessary for any of those persons to leave the premises before the search is complete, the respondent must allow them to re-enter the premises immediately upon their seeking re-entry on the same or the following day in order to complete the search.

Delivery up of Articles/Documents

36. The respondent must immediately hand over to the applicant's solicitors any of the listed items, which are in his possession or under his control, save for any computer or hard disk integral to any computer. Any items the subject of a dispute as to whether they are listed items must immediately be handed over to the supervising solicitor for safekeeping pending resolution of the dispute or further order of the court.
37. The respondent must immediately give the search party effective access to the computers on the premises, with all necessary passwords, to enable the computers to be searched. If they contain any listed items, the respondent must cause the listed items to be displayed so that they can be read and copied. The respondent must provide the applicant's solicitors with copies of all listed items contained in the computers. All reasonable steps shall be taken by the applicant and the

applicant's solicitors to ensure that no damage is done to any computer or data. The applicant and his representatives may not themselves search the respondent's computers unless they have sufficient expertise to do so without damaging the respondent's system.

38. For the avoidance of doubt, if it is envisaged that the respondent's computers are to be imaged (i.e. the hard drives are to be copied wholesale, thereby reproducing listed items and other items indiscriminately), special provision needs to be made and independent computer specialists need to be appointed, who should be required to give undertakings to the court.

Provision of Information

39. The respondent must immediately inform the applicant's solicitors (in the presence of the supervising solicitor) so far as he is aware:—
 - a. where all the listed items are;
 - b. the name and address of everyone who has supplied him, or offered to supply him, with listed items;
 - c. the name and address of everyone to whom he has supplied, or offered to supply, listed items; and
 - d. full details of the dates and quantities of every such supply and offer.
40. By *[time]* on *[date]* the respondent must make and serve an *[affidavit]* / *[witness statement]* setting out the above information.

Prohibited Acts

41. Except for the purpose of obtaining legal advice, the respondent must not directly or indirectly inform anyone of these proceedings or of the contents of this order, or warn anyone that proceedings have been or may be brought against him by the applicant until 16:30 on the return date or further order of the court.
42. Until 16:30 on the return date the respondent must not destroy, tamper with, cancel or part with possession, power, custody or control of the listed items otherwise than in accordance with the terms of this order.
43. *[Insert any prohibitory injunctions]*
44. *[Insert any further order]*

Costs

45. The costs of this application are reserved to the judge hearing the application on the return date.

Restrictions on Service

46. This order may only be served between *[time]* and *[time]* *[and on a weekday]*.
47. This order must be served by the supervising solicitor, and the paragraphs above under “**The Search**” must be carried out in his presence and under his supervision.

The right to seek variation or discharge of this order

48. Anyone served with or notified of this order may apply to the court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the applicant’s solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the applicant’s solicitors in advance.

Dated *[date]*

Notice pursuant to PD 37A para 2.1

You *[applicant name]*, *[applicant’s legal firm name]* and *[supervising solicitor’s firm name]* may be sent to prison for contempt of court if you break the promises 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

Signed

_____ *[applicant name] [date]*

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

Signed

_____ *[applicant’s firm name] [date]*

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

Signed

_____ *[supervising solicitor’s firm name] [date]*

Communications with the court

All communications to the court about this order should be sent to –

[Court name]

[Court address]

Tel: *[Court telephone]*

If the order is made at the Royal Courts of Justice, communications should be addressed as follows:

The Clerk of the Rules, Queen's Building, Royal Courts of Justice, Strand, London WC2A 2LL quoting the case number *[number]*. The telephone number is 020 7947 6543.

The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

Name and address of applicant's legal representatives

The applicant's legal representatives are –

[applicant's firm name]

[applicant's firm's address]

Ref: *[applicant's reference]*

DX: *[applicant's firm's DX address]*

Email: *[applicant's firm's email address]*

Phone: *[applicant's firm's phone number]* (office hours)

[[applicant's firm's out of hours phone number] (out of office hours)

Fax: *[applicant's firm's fax number]*