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

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

**(not for use in committal proceedings but in other proceedings where it is necessary to secure the attendance of a party or a witness by a bench warrant)**

**The [*name of statute*] Act [*year*]**

**(either)**

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

**(Adapt as necessary)**

**(or)**

**The children of the family**

|  |  |  |
| --- | --- | --- |
| Names  | Girl /Boy | Date of birth  |
| [*Child name(s)*] | [Girl] / [Boy] | [*Date*] |
| [*Child name(s)*] | [Girl] / [Boy] | [*Date*] |
| [*etc*] |  |  |

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

After consideration of the documents lodged by the parties

**WARRANT FOR ARREST ISSUED BY [*NAME OF JUDGE*] ON [*DATE*] SITTING IN [OPEN COURT] / [PRIVATE]**

## The parties

1. The applicant is [*applicant name*]

The [first] respondent is [*respondent name*]
[The second respondent is [*respondent name*]]
[The third[*etc*] respondent is [*respondent name*]]
[The intervener is [*intervener name*]] **(Specify if any party acts by a litigation friend)**

## Recitals

1. This is a warrant for the arrest of [the respondent [*respondent name*]]/ [[*name*] of [*address*]].
2. An important notice to [the respondent] / [*name*] is set out in the schedule below.
3. This warrant for arrest has been issued because in the opinion of the court there are reasonable grounds for believing that [the respondent] / [*name*] failed to attend at the Family Court sitting at [*place*]at[*date and time*] contrary to an express requirement of this court contained in its witness summons dated [*date*], which (at the time when any necessary payment or offer of payment was apparently made to [*respondent name*] / [*name*]) appears to have been served on [the respondent] / [*name*] on [*date*].

**BY THIS WARRANT THE COURT DIRECTS** **THAT:**

1. The [Tipstaff of the High Court of Justice] / [Bailiff of the Family Court], whether acting by themself or their deputy or an assistant or a police officer, shall:
	1. as soon as practicable arrest [the respondent] / [*name*]:
	2. bring [the respondent] / [*name*] before a judge of this court, sitting at the Family Court at [*place*], as soon as practicable after [his] / [ her] arrest and in any event no later than the working day immediately following the day of the arrest;
	3. subject to any further direction, cause [the respondent] / [*name*] to be detained in custody throughout the period between [his] / [her] arrest and the bringing of [him] / [her] before a judge of this court and accordingly not grant [him] / [her] bail in respect of any part of that period;
2. At the time of the arrest the [Tipstaff] / [Bailiff] shall:
	1. show a copy of this warrant to [the respondent] / [*name*] and allow [him] / [her] a reasonable time in which to read it; and
	2. serve on [him] / [her] a copy of the notice set out in the schedule below;
3. If the [Tipstaff] / [Bailiff] has reasonable grounds for concluding that [the respondent] / [*name*] cannot read English but can understand spoken English, they shall read to [him] / [her] the contents of this warrant or, if they also have reasonable grounds for concluding that [he] / [she] cannot understand spoken English, cause an interpreter to explain their contents to [him] / [her] in an appropriate language, whether by telephone or otherwise, as soon as practicable after the arrest.
4. Following the arrest the [Tipstaff] / [Bailiff] shall give to [the respondent] / [*name*], as soon and as fully as is practicable, the opportunity to seek legal advice and assistance, whether by telephone, face-to-face interview or otherwise.
5. For the purpose of executing this order, the [Tipstaff] / [Bailiff] is authorised to enter, if necessary by force, and to search any premises in which they have reasonable cause to believe [the respondent] / [*name*] to be present and which, after taking all reasonable steps to do so, they remain unable to secure other permission to enter.
6. If, by the end of six months from the date of this order, the [Tipstaff] / [Bailiff] shall have failed to execute it, it will then cease to have effect unless in the interim its effect shall have been extended by further order.

Dated [*date*]

**SCHEDULE**

**Important notice to [*respondent name*] / [*name*]**

1. This notice is important. You should read it, and the terms of the order above, extremely carefully.
2. The court has directed that the warrant for your arrest be executed by the court [Tipstaff] / [Bailiff] but they can authorise a member of their staff or a police officer to arrest you on their behalf.
3. The court has directed the [Tipstaff] / [Bailiff] to bring you before a judge of the Family Court sitting at [*place*] as soon as practicable after your arrest and in any event no later than the working day immediately following the day of your arrest. You will then be given an opportunity, as will (so far as is practicable) the parties or other parties to the proceedings, to address the court before it takes any further step.
4. The court has directed the [Tipstaff] / [Bailiff] to cause you to be detained in custody from the time of your arrest until you are brought before the court. You have the right to apply to the court at any time for your release from custody but, in the light of the direction to the [Tipstaff] / [Bailiff] to bring you before the court as soon as practicable, it is unlikely to be practicable for you to apply for your release prior to their bringing you to court.
5. You have no right to demand that your arrest be postponed while you seek legal advice. But you do have a right, following your arrest, to seek legal advice and to instruct a lawyer to represent you before the court. The court has directed the [Tipstaff] / [Bailiff] to give you, as soon and as fully as is practicable following your arrest, the opportunity to seek such advice and assistance, whether by telephone, face-to-face interview or otherwise.
6. If you do not speak or understand English, the [Tipstaff] / [Bailiff] will arrange for the contents of this document to be explained to you by an interpreter in an appropriate language. In that case you should, through the interpreter, ask the [Tipstaff] / [Bailiff] or their agent to notify the court that it should arrange for an interpreter to be present at public expense at the time when he proposes to bring you before it.

Dated [*date*]