**In the Family Court Case 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]** **/ [Civil Partnership] / [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

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

**(Delete as appropriate)**

## 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)**

## Definitions

1. The “third party” means [*full name*] of [*full address*], which operates an account for the respondent.

## Recitals

1. 1. This order was made without a hearing in accordance with the Family Procedure Rules, rule 72.4(1).
	2. The judge read the application notice in Form N349 verified by a statement of truth as required by Civil Procedure Rules, Practice Direction 72.
2. On [*date and time*], [*name of judge*] considered the application of the applicant, from which it appears that:
	1. on [*date*], [*name of judge*] made an order under case number [*case number*] requiring the respondent to pay money to the applicant;
	2. the amount now owing under that order is £[*amount*] including interest and costs as follows:

|  |  |
| --- | --- |
| Sums remaining due for payment under the order | £[*amount*] |
| Interest to the date of the order | £[*amount*] |
| Costs to the date of the order | £[*amount*] |

* 1. there is a debt due or accruing due by the third party to the respondent.

**IT IS ORDERED THAT:**

1. Until the hearing listed at paragraph [*para number*],the third party must not, unless the court orders otherwise, pay to the respondent, or to any other person, any sum of money due or accruing due by the third party to the respondent, except for any part of that sum which exceeds the following total:

|  |  |
| --- | --- |
| Sums remaining due for payment under the order | £[*amount*] |
| Interest to the date of the order | £[*amount*] |
| Court fee  | £[*amount*] |
| Costs of this application to the date of the order | £[*amount*] |
| **TOTAL:** | £[*amount*] |

1. The application shall be listed for a further hearing before a [District] / [Circuit] / [High Court] Judge at the Family Court sitting at [*court name*] on [*date* **(which should be within 28 days)**] at [*time*] when the judge will decide whether a final third party debt order should be made.
2. **This interim order does not authorise the third party to pay any money to the applicant at this stage.**
3. [The applicant shall serve the interim third party debt order, the application notice, and all documents filed in support of it in accordance with Civil Procedure Rules, rule 72.5 on:
	1. the third party by 4:00pm on the date 21 days before the hearing listed in paragraph [*para number*] above; and
	2. the respondent not less than
		1. 7 days after a copy has been served on the third party; and
		2. 7 days before the hearing listed in paragraph [*para number*] above.]
4. If the respondent or the third party objects to the court making a final third party debt order, that person shall file with the court and serve on the parties written evidence stating the grounds of objection by 4:00pm on the date 3 days before the hearing listed in paragraph [*para number*] above.

Dated [*date*]

|  |
| --- |
| **TO THE THIRD PARTY:****Hardship**If the third party is a bank or building society, and the respondent or their family suffers hardship through not being able to meet ordinary living expenses as a result of not being able to withdraw money from the account, a court may make a hardship payment order allowing some money to be paid out.**Hardship payment orders**An application form (N244) can be obtained from any court office. An application for a hardship payment order may be made to:* **any family court** where the interim third party debt order was made by a family court; or
* **the Royal Courts of Justice in London or to any district registry**, where the interim third party debt order was made by the High Court

A fee may be payable for the application, but in certain circumstances, the applicant can apply for exemption or remission of the fee. Court staff can provide further details about remission and exemption and provide the necessary forms.The application should be made using Form N244. It must include details of the applicant, the court where the interim third party debt order was made, if different, and the claim number. The form must include evidence of the hardship caused by not being able to meet ordinary living expenses and must be accompanied by documentary evidence such as mortgage statements or rent book, wage or salary slips and bank statements proving the applicant’s financial position. There will usually be a hearing.In cases of exceptional urgency, the court may agree to deal with the application without notice being given to the applicant. Details of why the application is exceptionally urgent and why it should be dealt with without notice to the creditor, should be set out in the application.If the judge makes a hardship payment order, the court will draw up an order which will be faxed to the appropriate bank or building society who will then be authorised to pay out the amount, or amounts, specified in the order.**What the third party will do**If the third party **is a bank or building society**, it must search for all accounts held solely by the respondent and, within 7 days of receiving this order, give details of them to the court and the applicant, stating whether it holds sufficient to cover the total shown and, if not, the amounts in them.A bank or building society may deduct an amount from any money held for the respondent, for its expenses in complying with this order. This would be in addition to the total amount shown above. If the third party **is not a bank or building society** and claims to owe the respondent no money or less money than the total shown above, the third party must tell the court and the applicant within 7 days of receiving this order.**The final order**If a final third party debt order is made at the hearing, it will require the third party to pay direct to the applicant some or all of the money which the third party owes to the respondent. |