****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

**ORDER MADE GRANTING A [WARRANT] / [WRIT] OF DELIVERY BY [*NAME OF JUDGE*] ON [*DATE*]**

**(By s31e(2) mfpa 1984 the Family Court issues a warrant where the High Court would have issued a writ. If the case is proceeding in the High Court, this order should be modified to refer to a writ rather than a warrant.)**

## 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. **(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 [*insert*].
	2. The judge read the following affidavits/witness statements [*set out*] and heard oral evidence 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 [*insert*].

## Findings of the court

1. [*Name of judge*] made an order on [*date*] requiring the respondent to [*insert* **(e.g. ‘deliver up to the applicant [insert goods, chattels or other property] by [insert date and time]’)**].
2. It appears that the respondent has failed to do so.

**IT IS ORDERED THAT:**

1. [Permission is granted to the applicant to issue a request for the issue of a [warrant] / [writ] of delivery.]
2. The enforcement officer(s) authorised to enforce [warrants] / [writs] of delivery shall:
	1. be entitled to enter the respondent’s premises at [*respondent address*] / [*other address*] between the hours of [*times*] on [*days* **(e.g. ‘weekdays’, ‘any day [on giving [period] notice to the respondent]’ etc.)**] for the purposes of searching for and taking control of the goods, chattels and other property of the respondent set out at paragraph [*para number*] above and in Schedule 1 below and further goods, chattels and other property of the respondent to the value set out in Schedule 2 below;
	2. seize the goods, chattels and other property of the respondent set out at paragraph [*para number*] above and in Schedule 1 below;
	3. immediately after seizing those goods, chattels and other property of the respondent, deliver them up to the applicant;
	4. take control of further goods, chattels and other property of the respondent to the value set out in Schedule 2 below [using reasonable force if necessary], having given the respondent [at least 7 days’] / [*shorter period*] notice of enforcement;
	5. sell the goods, chattels and other property of the respondent at a public auction(s) for the best price that can reasonably be obtained; having given the respondent, and any co-owner of any of the goods, chattels or other property, [at least 7 days’] / [*period*] notice of the date, time and place of the public auction(s);
	6. immediately after selling those other goods, chattels and other property of the respondent, apply the proceeds of sale as follows:
		1. to pay to the co-owner of any of those goods, chattels or other property, a share of the proceeds of sale proportionate to their interest in the relevant goods, chattels or other property;
		2. to pay to the applicant the sum set out in Schedule 2 below [together with any additional interest that has accrued];
		3. to retain a sum equivalent to the fees and charges to which the enforcement officer[s] [is] / [are] entitled; and
		4. to pay any balance to the respondent.
3. This [warrant] / [writ] shall remain valid for a period of 12 months from the date the notice of enforcement is given to the respondent.
4. [The [warrant] / [writ] issued on [*date*] shall remain valid for a further period of 12 months from [the date of the expiry of that [warrant] / [writ]] / [*date*].]

Dated [*date*]

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**(Delete as appropriate)**

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

**(Adapt as necessary)**

CHARLES THE THIRD, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our other realms and territories King, Head of the Commonwealth, Defender of the Faith.

TO: [*insert* **(e.g.‘an enforcement officer authorised to enforce warrants of delivery’)**]

IN THIS MATTER a Judgment or Order was made for (1) specific delivery of the goods detailed in Schedule 1 below and (2) interest, damages and costs as set out in Schedule 2 below.

YOU ARE NOW COMMANDED (1) to cause the goods detailed in Schedule 1 to be delivered to the applicant [*applicant name*]; and to take control of the goods, chattels and other property of the respondent [*respondent name*] authorised by law and raise therefrom the sums detailed in the Schedule 2 [together with fees and charges to which you are entitled], and immediately after execution to pay [the applicant [*applicant name*]] / [*insert name*] the said sums and interest.

YOU ARE ALSO COMMANDED to indorse on this warrant immediately after execution a statement of the manner in which you have executed it and send a copy of the statement to the [applicant] / [respondent].

WITNESS [*name*] Lord High Chancellor of Great Britain, the [*date*]

The address[es] for enforcement are are [*respondent address*] / [*other full address]*.

**SCHEDULE 1**

1. Date of Judgment or Order:
2. Details of Goods: [*insert*]

**SCHEDULE 2**

1. Amount of Damages (including interest awarded by Judgment or Order):

£[*amount*]

1. Fixed Costs on Judgment or Order

£[*amount*]

1. Assessed costs (if any) [by costs certificate dated [*date*]]

£[*amount*]

1. **LESS** credits or payments received since Judgment or Order

£[*amount*]

1. Fixed costs on Issue:

£[*amount*]

**Sub Total: £[*amount*]**

1. Costs of Execution:

 £[*amount*]

**TOTAL: £[*amount*]**

Together with:

A: Judgment and interest at [8] / [*percentage*]% from date of Judgement on sub-total above until payment

B: Fees and charges to which you are entitled (where appropriate).

THIS [WARRANT] / [WRIT] WAS ISSUED by the Family Court sitting at [*court name*] on [*date*] on the application of [[*applicant name*] of [*applicant address*]] / [agent for [*applicant name*] of [*applicant address*]] / [solicitor for the claimant] / [the claimant [*applicant name*] in person who resides at [*applicant address*]].