**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

**HARDSHIP 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.
2. The “account” means the account in the respondent’s name with the third party, with account number [*account number*] and sort code [*sort code*].

## Recitals

1. **(In the case of an order made without notice)**
	1. This order was made at a hearing without notice to the applicant. The reason why the order was made without notice to the applicant 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 applicant. The reason why the order was made without full notice having been given to the applicant was [*insert*].

## Findings of the court

1. On [*date and time*], [*name of judge*] / [the court] made an interim third party debt order, forbidding the third party, unless the court orders otherwise, from paying 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. It appears that the amount which is due from the third party to the respondent (after deducting the expenses allowed on receiving the interim third party debt order) is £[*amount*].
2. The respondent has applied under CPR 72.7 for the release of the sum of £[*amount*] to [him] / [her] to enable [his] / [her] needs to be met pending the hearing of the applicant’s application for a final third party debt order on [*date and time*].
3. The respondent is beneficially entitled to the contents of the account.
4. The respondent states that without being able to access the contents of the account, [he] / [she] will suffer hardship in various ways which are set out in [his] / [her] statement set out above.
5. The court finds that there is the risk of hardship in the following ways:
	1. [*insert*]

and makes the order below to alleviate that hardship.

**IT IS ORDERED THAT:**

1. [The respondent shall have permission to seek payment from the third party of the sum of £[*amount*].]
2. **(either)**

[The third party shall have permission to release the sum specified at paragraph [*para number*] above to the respondent.]

**(Or)**

[The third partyshall have permission to pay to the respondent the sum of £[*amount*].]

1. The costs of this application shall be reserved to the judge hearing the applicant’s application for a final third party debt order.

Dated [*date*]