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

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

**The Debtors Act 1869**

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

**(Adapt as necessary)**

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

After consideration of the documents lodged by the Parties

**SUSPENDED ORDER FOR COMMITTAL MADE BY [*NAME OF JUDGE*] ON [*DATE*] SITTING IN OPEN COURT**

## 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 suspended order for committal to prison made pursuant to the Debtors Act 1869, section 5.
2. On [*date*] in the [*court name*] it was ordered that the respondent, [*respondent name*], shall pay to the applicant [periodical payments [for [himself] / [herself] during their joint lives or until such date as [he] / [she] remarry or until further order] / [for the child[ren] of the family [*child(ren) of family full name(s)*]] at the rate of £[*amount*] [per week] / [per month]] / [a lump sum of £[*amount*]].
3. The court read the following affidavits/witness statements [*set out*] and heard oral evidence from [*name*].
4. The court was satisfied that the respondent has failed to pay the sum due under the order (together with the fee for the issue of the application to commit) calculated as follows **(e.g.)**:

|  |  |
| --- | --- |
| Sum in payment of which respondent had made default at the time of the application to commit (including interest to the date of application, if applicable) | **[£10,000.00]**  |
| Interest from date of application to date of this order (if applicable) | **[£50.00]**  |
| Fee and costs on issue and hearing of application | **[£750.00]**  |
| Less travelling expenses to be paid to the respondent | **[(£50.00)]** |
| Less amount paid since issue of application (if applicable) | **[(£100.00)]** |
| **Total** | **[£10,650.00]**  |

1. It was proved to the satisfaction of the court that the respondent has (or has had since the date of the order) the means to pay the sum and refuses or neglects (or has refused or neglected) to pay the sum and the respondent has given no good reasons why [he] / [she] should not be committed to prison.
2. But the court in the exercise of its discretion decided that the order for committal should be suspended on the condition specified below.

**IT IS ORDERED THAT:**

1. Subject to the following paragraph the respondent shall be committed to prison for [*number* **(not exceeding 42 days)**] days unless [he] / [she] pays the sum stated in para 5 above, or files an affidavit stating that a Receiving Order or an Order of Adjudication in bankruptcy has been made against [him] / [her].
2. This order will not be put into force if the respondent pays to the applicant in the form of a cheque or electronic bank transfer, the sum specified in para 5 above to be cleared by [*date and time*].
3. Any application by the applicant for activation of para 5 above, alleging non-compliance with paragraph 8 above, [must] / [need not] be made on notice to the respondent.
4. The respondent shall pay the applicant’s costs in the sum of £[*amount*], which sum is reflected within the calculation at paragraph 5 above.

Dated [*date*]

**Important notice to the respondent**

* If you do not pay the specified sum within the time mentioned above, an order for your committal may be issued without further notice, and you may be imprisoned for the period shown above.
* If you are unable to pay as directed by this order you should write or go to the court office immediately, stating the reasons why you cannot pay.
* The court will send you notice of a day and time to attend before the judge of the Family Court.
* If you satisfy the judge that you are unable to pay, he/she has the power to grant a further suspension on such terms as he/she thinks fit.
* Payment(s) must be made to the person named at the address for payment quoting their reference and the court case number.
* Do not bring or send payments to the court. They will not be accepted.
* You should allow at least four days for your payment to reach the applicant or his/her representative.
* Make sure that you keep records and can account for all payments made. Proof may be required if there is any disagreement. It is not safe to send cash, unless you use registered post.
* If you need more information you should contact the applicant or his/her representative.