

Contempt application

Rules 37.3 and 37.4 of the Family Procedure Rules 2010

Name of court

Case no./Serial no.

Claimant's name (including ref.)

Defendant's name (including ref.)

Date

Day

Month

Year

1. What is your name or, if you are a legal representative, the name of your firm?

2. Are you a

☐

Claimant

☐

Legal representative of the claimant

3. What is the name and address of the defendant?

First name(s)

Last name

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Name and address of any other party to be served with the application

First name(s)

Last name

Address

Building and street

Second line of address

Town or city

County (optional)

Postcode

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If there is more than one party and one (or more) party's contact details need to be kept confidential from another party/parties, leave their contact details blank and complete the confidential contact details form **C8**. You can get a copy of the form **C8** from hmctsformfinder.justice.gov.uk or from any family court office. Make sure that any documents you submit with this form, or at a later date, **do not** disclose those confidential contact details.

If there are other parties who should be served with this application please continue on a separate sheet and attach this to your application.

If the contact details of a person named in this section of the form need to be kept confidential from other people in the case, leave the contact details below blank and complete the confidential contact details form **C8**.

You can get a copy of form **C8** from hmctsformfinder.justice.gov.uk or from any family court. Make sure that any documents you submit with this form, or at a later stage, **do not** disclose those confidential contact details.

4. You **must** provide written evidence in support of the application and attach it to this form.

5. Do you require permission to make this application?

☐ Yes, You must set out here briefly the reasons (grounds) why you say that permission should be granted.

☐ No

Note 4. Written evidence should be provided in the form of an affidavit or affirmation (Rule 37.4(1)), together with any supporting documentation.

Note 5. Permission to make a contempt application is required where the application is made in relation to—

(a) Interference with the due administration of justice, except in relation to existing High Court or family court proceedings;

(b) An allegation of knowingly making a false statement in any affidavit, affirmation or other document verified by a statement of truth or in a disclosure statement.

To the defendant

If upon determination of this application you are held to be in contempt of court you may be imprisoned or fined, or your assets may be seized

Your rights

You have the right to be legally represented in the contempt proceedings.

You are entitled to a reasonable opportunity to obtain legal representation and to apply for legal aid which may be available without any means test.

HMCTS will provide you with an interpreter to support you in the courtroom if you cannot speak or understand the language used in court. Please notify court staff if this is necessary.

You are entitled to a reasonable time to prepare for the hearing of the contempt application against you.

You are entitled but not obliged to give written and oral evidence in your defence.

You have the right to remain silent and may not be compelled to answer any question the answer to which may incriminate you.

If you do not attend the hearing, the court may proceed in your absence. Whether or not you attend, the court will only find you in contempt if satisfied beyond reasonable doubt of the facts constituting contempt and that they do constitute contempt.

If the court is satisfied that you have committed a contempt, the court may punish you by a fine, imprisonment, confiscation of assets or other punishment permitted under the law.

If you admit the contempt and wish to apologise to the court, that is likely to reduce the seriousness of any punishment by the court.

The court's findings will be provided in writing as soon as practicable after the hearing.

The court will sit in public, unless and to the extent that the court orders otherwise. Its findings will be made public.

The following information is required to be included in the application pursuant to Rule 37.4(2) of the Family Procedure Rules 2010.

- 6.** Nature of the contempt (for example, breach of an order or undertaking or contempt in the face of the court)

- 7.** Is the application based on breach of an order?

☐ Yes. **Go to question 8**

☐ No. **Go to question 11**

- 8.** Date and terms of the order allegedly breached or disobeyed ('the order'). (If there is more than one such order, set out the date and terms of each order.)

9. Date of personal service of the order

Day

Month

Year

If the order was not personally served, state the date and terms of any order dispensing with personal service of the order.

10. Did the order include a penal notice?

☐ Yes

☐ No

11. Date and terms of any undertaking allegedly breached ('the undertaking'). (If there is more than one such undertaking set out the date and terms of each undertaking.)

12. Does the claimant believe that the person who gave the undertaking understood its terms and the consequences of failure to comply with it?

☐ Yes. Please explain the basis for the claimant's belief

☐ No

- 13.** Summary of facts alleged to constitute the contempt (set these out very briefly, in chronological order, in numbered points)

Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☐ **I believe** that the facts stated in this contempt application are true.

☐ **The claimant believes** that the facts stated in this contempt application are true.

Signature for the Statement of Truth

Note: If you are sending your form by email you can type your name in the signature box.

☐ Claimant

☐ Litigation friend

☐ Claimant's legal representative

Date

Day

Month

Year

Full name

Name of claimant's legal representative's firm

Position or office held (if signing on behalf of a company)

Confidentiality

If you do not wish the claimant's contact details to be known to the defendant or other party, leave the details below blank and complete the confidential contact details form **C8**. You can get a copy of the form **C8** from hmctsformfinder.justice.gov.uk or from any family court office. Make sure that any documents submitted with this form or at a later date, do not disclose those confidential contact details.

Claimant's address to which documents about this application should be sent

Building and street

Second line of address

Town or city

County (optional)

Postcode

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Phone number

Email address

Fax number

DX number

Reference number

Court fee

What you need to pay

Is this application is being made following a breach of a non-molestation or occupation order?

- ☐ Yes, there is **no fee** to pay
- ☐ No, you must pay a court fee of **£195**

How to pay the court fee

- ☐ I attached a **Cheque/Postal order**, made payable to 'HMCTS'
- ☐ **A debit/credit card payment**
- ☐ I will pay over the phone, please call me on the number below

- ☐ please email me details on how to pay, my email address is

- ☐ **In person at** the court/office
- ☐ **I have not included payment because**
- ☐ I have applied for Help with Fees online and my reference number is

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- ☐ I am applying for Help with Fees, see attached form **EX160**
- ☐ Other – please explain why

- ☐ **Payment by account** – for use by legal professionals

Your account number

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Your reference (if applicable)

What if I cannot afford to pay a court fee?

You may not have to pay a fee, or you may get some money off it if you only have a small amount of savings and investments, receive certain benefits or are on a low income. This is sometimes known as 'fee remission.'

You can apply for help with court and tribunal fees online at www.gov.uk/help-with-court-fees or through the 'EX160 Apply for help with fees' form and 'EX160A – How to apply for help with fees' guidance.