

# Application (Contempt)

**FORM 7** Family Law Rules ~ r 7.08

**Please type or print clearly** and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

Filed in:

- Family Division of the High Court  
 Family Division of the Magistrates' Court

**Filed on behalf of:**

- Father  Mother  
 Other (specify) \_\_\_\_\_

This form is used to apply for a person to be punished for contempt of court.

You should only make an application alleging contempt if the respondent's behaviour involved a flagrant challenge to the authority of the Court or a serious disregard of the respondent's obligations under an order.

File number

\_\_\_\_\_

Filed at

Filed on

Location

Court date \_\_\_\_\_

Time \_\_\_\_\_

## Part A Notice to the respondent to this application

### 1. PARTICULARS OF RESPONDENT

TO

Full name (including father's name ("f/n") if necessary for identification; surname (if any) underlined)

Address

This application asks that you be punished for contempt of court.

You must attend the hearing on the Court date shown above. If you do not attend:

- a warrant may be issued for your arrest, or
- the hearing may proceed; and
- a sanction or penalty may be imposed in your absence.

For the sanction or penalty that can be imposed if you are found guilty of contempt of court see page 3.

## Part B About the applicant

2. Full name (including father's name ("f/n") if necessary for identification; surname (if any) underlined)

3. Residential address

4 Address for service in the Fiji Islands

- Residential address, as above
- Postal, work or other address (insert):
- Solicitor (insert particulars):

Solicitor's name:

Firm name:

## Part C Details of the alleged contempt and evidence in support

- You must set out, in item 5, the details of the act or omission that you allege amounts to a contempt of court and, in item 5, the facts on which you rely to support that allegation. If you allege more than one contempt of court you must set out details for each contempt, and the evidence, in a separate paragraph on an extra page or pages in accordance with Items 5 and 6.
  - If the alleged contempt relates to an order or an undertaking, you must attach a copy of the order or undertaking.
5. State precisely what the respondent did or did not do which you allege amounts to a contempt of court, including the date, time and place, if applicable. See the example below.

Date	Time	Place
/ /		

Statement of the alleged contempt


### Example

Date	Time	Place
29/03/04	10 am	18 Main St, Ourtown

Statement of the alleged contempt

The respondent withdrew the amount of \$400,000 from his account at the Westpac Bank at Ourtown in deliberate breach of the injunction made on 1 February 2004.

6. State the facts on which you rely to support the allegation set out in item 5


# Part D Affidavit of applicant

**PLEASE DO NOT COMPLETE THIS PART OF THE FORM UNTIL YOU ARE WITH A PERSON WHO IS LEGALLY ABLE TO WITNESS YOUR SIGNATURE..**

You must complete the following affidavit. You must sign it in the presence of a Justice of the Peace, notary public or lawyer. The person witnessing the affidavit will fill in the place and date.

I swear\* /affirm\* that:

- I am the applicant;
- I have read this application;
- the facts of which I have personal knowledge are true; and
- all other facts are true to the best of my knowledge, information and belief.

Signature of applicant

Place

Date

Before me (*signature of witness*)

Full name of witness (*please print*)

\*delete whichever is inapplicable

- Justice of the Peace
- Lawyer
- Notary Public

This response was prepared by:

- applicant
- applicant's lawyer

PRINT LAWYER'S FIRM NAME

## Important Notice to the Respondent

**You should seek legal advice about this application.**

If you are found guilty of contempt of court the Court may:

- require you to enter into a bond;
- fine you.