
STATUTORY INSTRUMENTS

1999 No. 3491 (L. 28)

**FAMILY PROCEEDINGS (ENGLAND
AND WALES) SUPREME COURT OF
ENGLAND AND WALES COUNTY
COURTS (ENGLAND AND WALES)**

The Family Proceedings (Amendment No. 2) Rules 1999

Made - - - - *15th December 1999*
Laid before Parliament *14th January 2000*
Coming into force - - *5th June 2000*

We, the authority having the power under section 40(1) of the Matrimonial and Family Proceedings Act 1984⁽¹⁾ to make rules of court for the purposes of family proceedings in the High Court and county courts, in the exercise of the powers conferred by section 40 make the following rules—

Citation, commencement and transitional provisions

1.—(1) These rules may be cited as the Family Proceedings (Amendment No. 2) Rules 1999 and shall come into force on 5th June 2000.

(2) The Family Proceedings Rules 1991⁽²⁾, as amended by these rules, shall apply to proceedings commenced by Form A or B on or after 5th June 2000.

(3) Where proceedings have been commenced before 5th June 2000:

- (a) the court may, if it considers it just to do so, direct that the Family Proceedings Rules 1991, as amended by these rules, shall apply to those proceedings; otherwise
- (b) the Family Proceedings Rules 1991 shall apply to those proceedings as if these rules had not been made.

Amendment of the Family Proceedings Rules 1991

2. The Family Proceedings Rules 1991 shall be amended in accordance with the provisions of these rules.

(1) 1984 c. 42. Section 40 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 50.

(2) S.I.1991/1247; the relevant amending instruments are S.I. 1996/1674, 1996/1778, 1997/637, 1997/1056 and 1999/1012.

3. In the Arrangement of Rules, for the numbers and words from “2.52 Right to be heard on ancillary questions” to “2.68 Application for order under section 37(2)(a) of Act of 1973”, there shall be substituted the following;

“2.51A Application of ancillary relief rules

2.51B The overriding objective

2.51B

2.52 Right to be heard on ancillary questions

2.52

2.53 Application by petitioner or respondent for ancillary relief

2.53

2.54 Application by parent, guardian etc. for ancillary relief in respect of children

2.54

2.57 Children to be separately represented on certain applications

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2.59 Evidence on application for property adjustment or avoidance of disposition order

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2.60 Service of statement in answer

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2.67 Request for periodical payments order at same rate as order for maintenance pending suit

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2.69C

2.69D Factors for court’s consideration under rules 2.69B and 2.69C

2.69D

2.69E Open proposals

2.69E

2.69F Application for interim orders

2.69F

2.70”. Pensions

2.70”.

- 4.—(1) In rule 1.2(4), after “Appendix 1” there shall be inserted “or 1A”.
- (2) After rule 1.2(5) there shall be inserted:
- “(5A) In these rules a reference to a Part or rule, if prefixed by the letters “CPR”, is a reference to that Part or rule in the Civil Procedure Rules 1998(3).”.
- 5.—(1) In rule 2.45(1) for “Form M12” there shall be substituted “Form B”.
- (2) Rule 2.45(2) and (3) shall be omitted.
- (3) In rule 2.45(5):
- (a) the words “the proper officer shall fix an appointment for the hearing; and” shall be omitted;
 - (b) for “rules 2.62(3) to (7)” there shall be substituted “rules 2.51B to 2.70”; and
 - (c) after “application for ancillary relief” there shall be inserted “and, unless the context otherwise requires, those rules shall be read as if all references to Form A were references to Form B”.
6. Before rule 2.52, but after the heading “Ancillary relief,” the following shall be inserted:

“Application of ancillary relief rules

2.51A.—(1) The procedures set out in rules 2.51B to 2.70 (“the ancillary relief rules”) apply to any ancillary relief application and to any application under section 10(2) of the Act of 1973.

- (2) In the ancillary relief rules, unless the context otherwise requires:
- “applicant” means the party applying for ancillary relief;
 - “respondent” means the respondent to the application for ancillary relief;
 - “FDR appointment” means a Financial Dispute Resolution appointment in accordance with rule 2.61E.

The overriding objective

2.51B.—(1) The ancillary relief rules are a procedural code with the overriding objective of enabling the court to deal with cases justly.

- (2) Dealing with a case justly includes, so far as is practicable—

- (a) ensuring that the parties are on an equal footing;
 - (b) saving expense;
 - (c) dealing with the case in ways which are proportionate—
 - (i) to the amount of money involved;
 - (ii) to the importance of the case;
 - (iii) to the complexity of the issues; and
 - (iv) to the financial position of each party;
 - (d) ensuring that it is dealt with expeditiously and fairly; and
 - (e) allotting to it an appropriate share of the court’s resources, while taking into account the need to allot resources to other cases.
- (3) The court must seek to give effect to the overriding objective when it—
- (a) exercises any power given to it by the ancillary relief rules; or
 - (b) interprets any rule.
- (4) The parties are required to help the court to further the overriding objective.
- (5) The court must further the overriding objective by actively managing cases.
- (6) Active case management includes—
- (a) encouraging the parties to co-operate with each other in the conduct of the proceedings;
 - (b) encouraging the parties to settle their disputes through mediation, where appropriate;
 - (c) identifying the issues at an early date;
 - (d) regulating the extent of disclosure of documents and expert evidence so that they are proportionate to the issues in question;
 - (e) helping the parties to settle the whole or part of the case;
 - (f) fixing timetables or otherwise controlling the progress of the case;
 - (g) making use of technology; and
 - (h) giving directions to ensure that the trial of a case proceeds quickly and efficiently.”.
7. In rule 2.53 and 2.54(1), for “Form M11”, wherever it occurs, there shall be substituted “Form A”.
8. Rules 2.55, 2.56 and 2.58 shall be omitted.
- 9.—(1) Rule 2.59(1) shall be omitted.
- (2) In rule 2.59(2) for “Form M11 or M13” there shall be substituted “Form A”.
- (3) In rule 2.59(3) for the words from “A copy” to “supporting affidavit” there shall be substituted “Copies of Form A and of Form E completed by the applicant”.
- (4) In rule 2.59(4):
- (a) for “Form M11 or M13 as the case may be” there shall be substituted “Form A”.
 - (b) for “affidavit” there shall be substituted “Form E”.
- (5) In rule 2.59(5):
- (a) for “an affidavit” in sub-paragraph (a) there shall be substituted “copies of Forms A and E”;
 - (b) for “an affidavit” in sub-paragraph (b) there shall be substituted “a copy of Form E”; and

- (c) for “file an affidavit” there shall be substituted “file a statement”.
- (6) At the end of rule 2.59(5), there shall be inserted the following:
- “(6) A statement filed under paragraph (5) shall be sworn to be true.”.

10. For rule 2.60 there shall be substituted:

“Service of statement in answer

2.60.—(1) Where a form or other document filed with the court contains an allegation of adultery or of an improper association with a named person (“the named person”), the court may direct that the party who filed the relevant form or document serve a copy of all or part of that form or document on the named person, together with Form F.

(2) If the court makes a direction under paragraph (1), the named person may file a statement in answer to the allegations.

(3) A statement under paragraph (2) shall be sworn to be true.

(4) Rule 2.37(3) shall apply to a person served under paragraph (1) as it applies to a co-respondent.”.

11. After rule 2.61 there shall be inserted:

“Application for ancillary relief

2.61A.—(1) A notice of intention to proceed with an application for ancillary relief made in the petition or answer or an application for ancillary relief must be made by notice in Form A.

(2) The notice must be filed:

- (a) if the case is pending in a divorce county court, in that court; or
- (b) if the case is pending in the High Court, in the registry in which it is proceeding.

(3) Where the applicant requests an order for ancillary relief that includes provision to be made by virtue of section 25B or 25C of the Act of 1973(4) the terms of the order requested must be specified in the notice in Form A.

(4) Upon the filing of Form A the court must:

- (a) fix a first appointment not less than 12 weeks and not more than 16 weeks after the date of the filing of the notice and give notice of that date;
- (b) serve a copy on the respondent within 4 days of the date of the filing of the notice.

(5) The date fixed under paragraph (4) for the first appointment, or for any subsequent appointment, must not be cancelled except with the court’s permission and, if cancelled, the court must immediately fix a new date.

Procedure before the first appointment

2.61B.—(1) Both parties must, at the same time, exchange with each other, and each file with the court, a statement in Form E, which—

- (a) is signed by the party who made the statement;
- (b) is sworn to be true, and
- (c) contains the information and has attached to it the documents required by that Form.

(4) sections 25B and 25C were inserted in the Act of 1973 by section 166(1) of the Pensions Act 1995 (c. 26).

- (2) Form E must be exchanged and filed not less than 35 days before the date of the first appointment.
- (3) Form E must have attached to it:
 - (a) any documents required by Form E; and
 - (b) any other documents necessary to explain or clarify any of the information contained in Form E.
- (4) Form E must have no documents attached to it other than the documents referred to in paragraph (3).
- (5) Where a party was unavoidably prevented from sending any document required by Form E, that party must at the earliest opportunity:
 - (a) serve copies of that document on the other party; and
 - (b) file a copy of that document with the court, together with a statement explaining the failure to send it with Form E.
- (6) No disclosure or inspection of documents may be requested or given between the filing of the application for ancillary relief and the first appointment, except—
 - (a) copies sent with Form E, or in accordance with paragraph (5); or
 - (b) in accordance with paragraph (7).
- (7) At least 14 days before the hearing of the first appointment, each party must file with the court and serve on the other party—
 - (a) a concise statement of the issues between the parties;
 - (b) a chronology;
 - (c) a questionnaire setting out by reference to the concise statement of issues any further information and documents requested from the other party or a statement that no information and documents are required;
 - (d) a notice in Form G stating whether that party will be in a position at the first appointment to proceed on that occasion to a FDR appointment.
- (8) Where an order for ancillary relief is requested that includes provision to be made under section 25B or 25C of the Act of 1973, the applicant must file with the court and serve on the respondent at least 14 days before the hearing of the first appointment, confirmation that rule 2.70(4) has been complied with.
- (9) At least 14 days before the hearing of the first appointment, the applicant must file with the court and serve on the respondent, confirmation of the names of all persons served in accordance with rule 2.59(3) and (4), and that there are no other persons who must be served in accordance with those paragraphs.

Expert evidence

2.61C CPR rules 35.1 to 35.14 relating to expert evidence (with appropriate modifications), except CPR rules 35.5(2) and 35.8(4)(b) apply to all ancillary relief proceedings.

The first appointment

2.61D.—(1) The first appointment must be conducted with the objective of defining the issues and saving costs.

- (2) At the first appointment the district judge—
 - (a) must determine—

- (i) the extent to which any questions seeking information under rule 2.61B must be answered; and
 - (ii) what documents requested under rule 2.61B must be produced, and give directions for the production of such further documents as may be necessary;
 - (b) must give directions about—
 - (i) the valuation of assets (including, where appropriate, the joint instruction of joint experts);
 - (ii) obtaining and exchanging expert evidence, if required; and
 - (iii) evidence to be adduced by each party and, where appropriate, about further chronologies or schedules to be filed by each party;
 - (c) must, unless he decides that a referral is not appropriate in the circumstances, direct that the case be referred to a FDR appointment;
 - (d) must, where he decides that a referral to a FDR appointment is not appropriate, direct one of the following:
 - (i) that a further directions appointment be fixed;
 - (ii) that an appointment be fixed for the making of an interim order;
 - (iii) that the case be fixed for final hearing and, where that direction is given, the district judge must determine the judicial level at which the case should be heard; or
 - (iv) that the case be adjourned for out-of-court mediation or private negotiation or, in exceptional circumstances, generally;
 - (e) must consider whether, having regard to all the circumstances (including the extent to which each party has complied with this Part, and in particular the requirement to send documents with Form E), to make an order about the costs of the hearing; and
 - (f) may—
 - (i) make an interim order where an application for it has been made in accordance with rule 2.69F returnable at the first appointment;
 - (ii) having regard to the contents of Form G filed by the parties, treat the appointment (or part of it) as a FDR appointment to which rule 2.61E applies;
 - (iii) in a case where an order for ancillary relief is requested that includes provision to be made under section 25B or 25C of the Act of 1973, require any party to request a valuation under regulation 4 of the Divorce etc. (Pensions) Regulations 1996⁽⁵⁾ from the trustees or managers of any pension scheme under which the party has, or is likely to have, any benefits.
- (3) After the first appointment, a party is not entitled to production of any further documents except in accordance with directions given under paragraph (2)(a) above or with the permission of the court.
- (4) At any stage:
- (a) a party may apply for further directions or a FDR appointment;
 - (b) the court may give further directions or direct that the parties attend a FDR appointment.

(5) S.I. 1996/1676.

(5) Both parties must personally attend the first appointment unless the court orders otherwise.

The FDR appointment

2.61E.—(1) The FDR appointment must be treated as a meeting held for the purposes of discussion and negotiation and paragraphs (2) to (9) apply.

(2) The district judge or judge hearing the FDR appointment must have no further involvement with the application, other than to conduct any further FDR appointment or to make a consent order or a further directions order.

(3) Not later than 7 days before the FDR appointment, the applicant must file with the court details of all offers and proposals, and responses to them.

(4) Paragraph (3) includes any offers, proposals or responses made wholly or partly without prejudice, but paragraph (3) does not make any material admissible as evidence if, but for that paragraph, it would not be admissible.

(5) At the conclusion of the FDR appointment, any documents filed under paragraph (3), and any filed documents referring to them, must, at the request of the party who filed them, be returned to him and not retained on the court file.

(6) Parties attending the FDR appointment must use their best endeavours to reach agreement on the matters in issue between them.

(7) The FDR appointment may be adjourned from time to time.

(8) At the conclusion of the FDR appointment, the court may make an appropriate consent order, but otherwise must give directions for the future course of the proceedings, including, where appropriate, the filing of evidence and fixing a final hearing date.

(9) Both parties must personally attend the FDR appointment unless the court orders otherwise.

Costs

2.61F.—(1) At every court hearing or appointment each party must produce to the court an estimate in Form H of the costs incurred by him up to the date of that hearing or appointment.

(2) The parties' obligation under paragraph (1) is without prejudice to their obligations under paragraphs 4.1 to 4.11 of the Practice Direction relating to CPR Part 44.”.

12.—(1) Rule 2.62(1), (3), (5) and (6) shall be omitted.

(2) In rule 2.62(4):

- (a) for “discovery and production” there shall be substituted “disclosure and inspection”; and
- (b) for “affidavits” there shall be substituted “statements”.

(3) After rule 2.62(4), there shall be inserted:

“(4A) A statement filed under paragraph (4) shall be sworn to be true.”.

(4) In rule 2.62(7):

- (a) for “(a ‘production appointment’)” there shall be substituted “(an ‘inspection appointment’)”; and
- (b) for the second occurrence of “production” there shall be substituted “inspection”.

(5) In rule 2.62(8), for “a production” there shall be substituted “an inspection”.

(6) In rule 2.62(9), for “a production” there shall be substituted “an inspection”.

13. Rule 2.63 shall be omitted.

14. In rule 2.64(2) after “final determination of the application,” there shall be substituted “and subject to rule 2.69F,”.

15. In rule 2.66(4) for “as a district judge has under rule 2.62(5)” there shall be substituted “to make directions as a district judge has under these rules”.

16. In rule 2.67(2) for “Form M15”, wherever it occurs, there shall be substituted “Form I”.

17.—(1) For rule 2.69 there shall be substituted:

“Offers to settle

2.69.—(1) Either party to the application may at any time make a written offer to the other party which is expressed to be “without prejudice except as to costs” and which relates to any issue in the proceedings relating to the application.

(2) Where an offer is made under paragraph (1), the fact that such an offer has been made shall not be communicated to the court, except in accordance with rule 2.61E(3), until the question of costs falls to be decided.

Interpretation of rules 2.69B to 2.69D

2.69A In rules 2.69B to 2.69D, “base rate” has the same meaning as in the Civil Procedure Rules 1998.

Judgment or order more advantageous than an offer made by the other party

2.69B.—(1) This rule applies where the judgment or order in favour of the applicant or respondent is more advantageous to him than an offer made under rule 2.69(1) by the other party.

(2) The court must, unless it considers it unjust to do so, order that other party to pay any costs incurred after the date beginning 28 days after the offer was made.

Judgment or order more advantageous than offers made by both parties

2.69C.—(1) This rule applies where

- (a) both the applicant and the respondent have made offers under rule 2.69(1); and
- (b) the judgment or order in favour of the applicant or the respondent, as the case may be, is more advantageous to him than both of the offers referred to in paragraph (a).

(2) The court may, where it considers it just, order interest in accordance with paragraph (3) on the whole or part of any sum of money (excluding interest and periodical payments) to be awarded to the applicant or respondent, as the case may be.

(3) Interest under paragraph (2) may be at a rate not exceeding 10 per cent above base rate for some or all of the period beginning 28 days after the offer was made.

(4) The court may also order that the applicant or respondent, as the case may be, is entitled to:

- (a) his costs on the indemnity basis beginning 28 days after the offer was made; and
- (b) interest on those costs at a rate not exceeding 10 per cent above base rate.

(5) The court’s powers under this rule are in addition to its powers under rule 2.69B.

Factors for court's consideration under rules 2.69B and 2.69C

2.69D.—(1) In considering whether it would be unjust, or whether it would be just, to make the orders referred to in rules 2.69B and 2.69C, the court must take into account all the circumstances of the case, including—

- (a) the terms of any offers made under rule 2.69(1);
- (b) the stage in the proceedings when any offer was made;
- (c) the information available to the parties at the time when the offer was made;
- (d) the conduct of the parties with regard to the giving or refusing to give information for the purposes of enabling the offer to be made or evaluated; and
- (e) the respective means of the parties.

(2) The power of the court to award interest under rule 2.69C(2) and (4)(b) is in addition to any other power it may have to award interest.

Open proposals

2.69E.—(1) Not less than 14 days before the date fixed for the final hearing of an application for ancillary relief, the applicant must (unless the court directs otherwise) file with the court and serve on the respondent an open statement which sets out concise details, including the amounts involved, of the orders which he proposes to ask the court to make.

(2) Not more than 7 days after service of a statement under paragraph (1), the respondent must file with the court and serve on the applicant an open statement which sets out concise details, including the amounts involved, of the orders which he proposes to ask the court to make.

Application for interim orders

2.69F.—(1) A party may apply at any stage of the proceedings for an order for maintenance pending suit, interim periodical payments or an interim variation order.

(2) An application for such an order must be made by notice of application and the date fixed for the hearing of the application must be not less than 14 days after the date the notice of application is issued.

(3) The applicant shall forthwith serve the respondent with a copy of the notice of application.

(4) Where an application is made before a party has filed Form E, that party must file with the application and serve on the other party, a draft of the order requested and a short sworn statement explaining why the order is necessary and giving the necessary information about his means.

(5) Not less than 7 days before the date fixed for the hearing, the respondent must file with the court and serve on the other party, a short sworn statement about his means, unless he has already filed Form E.

(6) A party may apply for any other form of interim order at any stage of the proceedings with or without notice.

(7) Where an application referred to in paragraph (6) is made with notice, the provisions of paragraphs (1) to (5) apply to it.

(8) Where an application referred to in paragraph (6) is made without notice, the provisions of paragraph (1) apply to it.”

18.—(1) Rule 2.70(1) shall be omitted.

(2) In rule 2.70(2) for “discovery” there shall be substituted “disclosure”.

(3) In rule 2.70(3):

(a) for sub-paragraph (a) there shall be substituted:

“(a) Form A in accordance with rule 2.61A; or”;

(b) sub-paragraph (b) shall be omitted.

(4) In rule 2.70(4) for “Form M11 or M13 as the case may be” there shall be substituted “Form A”.

19. Rules 2.71 to 2.77 shall be omitted.

20. In Part III references to any of rules 2.52 to 2.70 shall be read as references to those rules as they were before these rules came into force.

21. In rule 3.1(7) for “intervention by” there shall be substituted “filing of a statement in answer by”.

22. Forms M11 to M15 shall be omitted from Appendix 1.

23. The following shall be substituted for Appendix 1A:

“APPENDIX 1A

Notice of [intention to proceed with] an Application for Ancillary Relief

(*delete as appropriate)

In the	
*[County Court]	
*[Principal Registry of the Family Division]	
Case No. <i>Always quote this</i>	
Applicant's Solicitor's reference	
Respondent's Solicitor's reference	

The marriage of and

Take Notice that

the Applicant intends to apply to the Court or

to proceed with the application in the [petition][answer] for:

- an order for maintenance pending suit
- a periodical payments order
- a secured provision order
- a lump sum order
- a property adjustment order

If an application is made for any periodical payments or secured periodical payments for children:

- and there is a written agreement made before 5 April 1993 about maintenance for the benefit of children, **tick this box**
- and there is a written agreement made on or after 5 April 1993 about maintenance for the benefit of children, **tick this box**
- but there is no agreement, tick any of the boxes below to show if you are applying for payment:
 - for a stepchild or stepchildren
 - in addition to child support maintenance already paid under a Child Support Agency assessment
 - to meet expenses arising from a child's disability
 - to meet expenses incurred by a child in being educated or training for work
 - when either the child or the person with care of the child or the absent parent of the child is not habitually resident in the United Kingdom
 - Other (please state)

Signed:
[Applicant/Solicitor for the Applicant]

Dated:

The court office at

is open between 10 am and 4 pm (4.30pm at the Principal Registry of the Family Division) Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number. If you do not do so, your correspondence may be returned.

Form A Notice of [Intention to proceed with] an Application for Ancillary Relief

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Notice of an application under Rule 2.45

In the	
*[County Court]	
*[Principal Registry of the Family Division]	
Case No. <i>Always quote this</i>	
Petitioner's Solicitor's reference	
Respondent's Solicitor's reference	

(*delete as appropriate)

The marriage of

and

Take Notice that

The Respondent intends to apply to the Court under section 10(2) of the Matrimonial Causes Act 1973 for the Court to consider the financial position of the Respondent after the divorce.

Signed:

[Respondent/Solicitor for the Respondent]

Dated:

The court office at

is open between 10 am and 4 pm (4.30pm at the Principal Registry of the Family Division) Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number. If you do not do so, your correspondence may be returned.

Form B Notice of an Application under Rule 2.45

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Notice of a Financial Dispute Resolution Appointment

In the	
*[County Court]	
*[Principal Registry of the Family Division]	
Case No. <i>Always quote this</i>	
Applicant's Solicitor's reference	
Respondent's Solicitor's reference	

(*delete as appropriate)

The marriage of _____ and _____

Take Notice that

By [_____] the Applicant must provide the Court with details of all offers, proposals and responses concerning the Application.

An appointment for a Financial Dispute Resolution will take place at

on _____ 20____
at _____ [a.m.][p.m.]

The probable length of the hearing is

At the appointment

- You, and your legal representative, if you have one, must attend this appointment.
- The hearing will define, as far as possible, the issues in this matter and explore the possibility of settlement. If the matter proceeds to a full hearing, the date of the full hearing will be fixed.
- You must provide the Court with a written estimate (in Form H) of any legal costs .

Dated:

The court office at _____
is open between 10 am and 4 pm (4.30pm at the Principal Registry of the Family Division) Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number. If you do not do so, your correspondence may be returned.

Form D Notice of a Financial Dispute Resolution Appointment

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<h1>FINANCIAL STATEMENT</h1> <p><i>*Applicant/*Respondent (delete as appropriate)</i></p>	In the	
	*[County Court] *[Principal Registry of the Family Division]	
	Case No <i>Always quote this</i>	
Between	Applicant	Respondent
	and	
	Solicitor's Ref:	Solicitor's Ref:

Please fill in this form fully and accurately. Where any box is not applicable write "N/A". You have a duty to the court to give a full, frank and clear disclosure of all your financial and other relevant circumstances.

A failure to give full and accurate disclosure may result in any order the court makes being set aside.

If you are found to have been deliberately untruthful, criminal proceedings for perjury may be taken against you.

You must attach documents to the form where they are specifically sought and you may attach other documents where it is necessary to explain or clarify any of the information that you give.

Essential documents, which **must** accompany this Statement, are detailed at questions 2.1, 2.2, 2.3, 2.5, 2.14, 2.18 and 2.20.

If there is not enough room on the form for any particular piece of information, you may continue on an attached sheet of paper.

This statement must be sworn before an Officer of the Court
or a Commissioner for Oaths
before it is filed with the Court
or sent to the other party
(see page 20).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Part 1 General Information

1.1 Full Name

1.2 Date of Birth

Date	Month	Year
------	-------	------

1.3 Date of Marriage

Date	Month	Year
------	-------	------

1.4 Occupation

1.5 Date of the separation

Date	Month	Year
------	-------	------

 Tick here if not applicable

1.6 Date of the:

	Petition	Decree Nisi/Decree of Judicial Separation	Decree Absolute
	Date	Date	Date
	Month	Month	Month
	Year	Year	Year

1.7 If you have remarried, or will remarry, state the date

Date	Month	Year
------	-------	------

1.8 Do you live with another person? Yes No

1.9 Do you intend to live with someone within the next six months? Yes No

1.10 Details of any children of the family

	Date of Birth			With whom does the child live?
	Date	Month	Year	

1.11 Give details of the state of health of yourself and the children

Yourself	Children

1.12 Give details of the present and proposed future educational arrangements for the children.

Present arrangements	Future arrangements

1.13 Give details of any Child Support Maintenance Assessments or Child Maintenance Orders made between the parties. If no assessment or agreement has been made, give an estimate of the liability of the non-residential parent under the Child Support Act 1991, in respect of the children of the family.

--

1.14 If this application is to vary an order, give details of the order that is to be varied and attach a copy of the order. Give the reasons for asking for the order to be varied.

--

1.15 Give details of any other court cases between you and your husband/wife, whether in relation to money, property, children or anything else.

Case No	Court

1.16 Specify your present residence and the occupants of it and on what terms you occupy it (e.g. tenant, owner-occupier).

Address	Occupants	Terms of occupation

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Part 2 Financial Details		Capital: Realisable Assets	
<p>2.1 Give details of your interest in the matrimonial home.</p>			
<p><i>*If you have obtained a valuation within the last six months attach a copy. If not, give your own estimate of the property value. A copy of your most recent mortgage statement is also required.</i></p>			
Property name and address	Land Registry Title No.	Nature and extent of your interest	*Property value
Mortgagee's Name and address	Type of mortgage	Balance outstanding on any mortgage	Total current value of your beneficial interest
1st 2nd Other:			
NET value of your interest in the matrimonial home (A)			£
<p>2.2 Give details of all other properties, land, and buildings in which you have an interest</p>			
Property name(s) and address(es)	Land Registry Title No.	Nature and extent of your interest	Property value
1. 2. 3.			
Mortgagee's Name(s) and address(es)	Type of mortgage	Balance outstanding on any mortgage	Total current value of your interest
1. 2. 3.			
TOTAL value of the above (not including the matrimonial home)			(B1) £

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

2.3 Give details of all bank, building society, and National Savings accounts, in credit, which you hold or have an interest in. Include PEPs, TESSAs and ISAs. For joint accounts, give your interest and the name of the account holder. If the account is overdrawn, include in Liabilities section at 2.12

You must attach your bank statements covering the last 12 months for each account listed

Name of bank or building society including Branch name	Type of account (e.g. current)	Account number	Name of other account holder (if applicable)	Balance at the date of this Statement	Total current value of your interest
1.					
2.					
3.					
4.					
5.					
TOTAL value of your interest in ALL accounts					(B2) £

2.4 Give details of all stocks, gilts and other quoted securities which you hold or have an interest in. Include PEPs and ISAs. Do not include dividend income as this will be dealt with separately later on.

Name	Type	Size	Current value	Total current value of your interest
TOTAL value of your interest in ALL holdings				(B3) £

2.5 Give details of all life insurance policies which you hold or in which you have an interest, including those that do not have a surrender value, for each policy.

Policy details including name of company, policy type and number	If policy is charged, state in whose favour and amount of charge	Maturity date			Surrender Value	Total current value of your interest
		Date	Month	Year		
TOTAL value of your interest in ALL policies					(B4) £	

You must attach any surrender value quotations

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2.6 Give details of all issues of National Savings Certificates which you hold or have an interest in.

Name of issue	Nominal amount	Current value	Total current value of your interest
TOTAL value of ALL your certificates			(B5) £

2.7 Give details of all of National Savings Bonds (including Premium bonds) and other bonds which you hold or have an interest in.

Type of Bond	Bond holder's number	Current value	Total current value of your interest
TOTAL value of ALL your bonds			(B6) £

2.8 Give details of all monies which are OWED TO YOU. Include sums owed in director's or partnership accounts

Brief description of debt	Balance outstanding	Total current value of your interest
TOTAL value of your interest in ALL debts owed to you		(B7) £

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2.9 Give details of all of cash savings held in excess of £300. You must state where it is held and the currency it is held in.

Where held	Amount	Currency	Total current value of your interest
TOTAL value of ALL your cash			(B8) £

2.10 Give details of personal belongings individually worth more than £500.
Include cars (gross value), collections, pictures, jewellery, furniture, and household belongings (this list is not exhaustive).

Item	Sale value	Total estimated current value of your interest
TOTAL value of your interest in ALL chattels		(B9) £

2.11 Give details of any other realisable assets not yet mentioned, for example, unit trusts, investment trusts, commodities, business expansion schemes and futures (this list is not exhaustive). This is where you must mention any other realisable assets.

Type	Current value	Total current value of your interest
TOTAL value of your interest in ALL other realisable assets		(B10) £

Now add together all the figures in the previous total boxes (B1 to B10) to give the TOTAL current value of ALL your interest in realisable assets.

(B)

£

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Part 2 Financial Details *Capital: Liabilities*

2.12 Give details of any liabilities you have. Exclude mortgages on property dealt with above. Include money owed on credit cards and store cards, bank loans, hire purchase agreements and any overdrawn bank or building society accounts.

Liability (i.e. total amount owed, current monthly payments and term of loan/debt)	Current amount	Total current value of your share of the liability
TOTAL value of ALL your liabilities		(C1) £

Part 2 Financial Details *Capital: Capital Gains Tax*

2.13 If any Capital Gains Tax would be payable on the disposal now of any of your realisable assets, give your estimate of the tax.

Asset	Capital Gains Tax	Total current value of your liability
TOTAL value of ALL your Capital Gains Tax liabilities		(C2) £

Now add together C1 + C2 to give:-
TOTAL net value of your liabilities (C) £

Now take the liabilities total from the realisable assets total (A+B-C), to give:-
TOTAL net value of your personal assets (D) £

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Part 2 Financial Details *Capital: Business Assets*

2.14 Give details of all your business interests.

You must attach a copy of the last 2 years accounts and any other document on which you base your valuation.

Name and nature of your business	Your ESTIMATE of the current value of your interest	Your ESTIMATE of any possible Capital Gains Tax payable on disposal	Basis of valuation <i>(No formal valuation is required at this time)</i>	What is the extent of your interest?	Total net current value of your interest

TOTAL current value of your interest in business assets (E)

£

2.15 List any directorships you hold or held in the last 12 months

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Part 2 Financial Details

Capital: Pensions (including SERPS but excluding Basic State Pensions)

2.16 Give details of your pension interests.

If you have been provided with a valuation of your pension rights by the trustees or managers of the pension scheme you must attach it. Where the information is not available, give the estimated date when it will be available and attach the letter to the pension company or administrators from whom the information was sought. If you have more than one pension plan or scheme, you must provide the information in respect of each one, continuing, if necessary, on a separate piece of paper. If you have made Additional Voluntary Contributions or any Free Standing Additional Voluntary Contributions to any plan or scheme, you must give the information separately if the benefits referable to such contributions are separately recorded or paid. If you have more than one pension scheme you should reproduce the information for each scheme. Please include any SERPS.

Information about the Scheme(s)

Name and address of scheme, plan or policy	
Number of scheme, plan or policy	
Type of scheme, plan or policy (e.g. final salary, money purchase or other)	

CETV - Cash Equivalent Transfer Value

CETV Value	
The lump sum payable on death in service before retirement	
The lump sum payable on death in deferment before retirement	
The lump sum payable on death after retirement	

Retirement Benefits

Earliest date when benefit can be paid	
The estimated lump sum and monthly pension payable on retirement, assuming you take the maximum lump sum.	
The estimated monthly pension without taking any lump sum	

Spouse's Benefit

On death in service	
On death in deferment	
On death in retirement	

Dependant's Benefit

On death in service	
On death in deferment	
On death in retirement	

TOTAL value of your pension assets

(F)

£

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Part 2 Financial Details *Capital: Other Assets*

2.17 Give details of any other assets not listed above.

Include the following: (this list is not exhaustive)

- **Unrealisable assets.**
- **Share option scheme**, stating the estimated net sale proceeds of the shares if the options were capable of exercise now, and whether Capital Gains Tax or Income Tax would be payable.
- **Trust interests** (including interests under a discretionary trust), stating your estimate of the value of the interest and when it is likely to become realisable. If you say it will never be realisable, or has no value, give your reasons.
- Specify also any asset that is likely to be received in the foreseeable future, any assets held on your behalf by a third party and any assets not mentioned elsewhere in this form held outside England and Wales.

Type of Asset	Value	Total net value of your interest

Total value of your other assets (G) £

Total value of your net assets (excluding pensions) (D+E+G) (H) £

Total value of your net assets (including pension) (H+F) (I) £

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Part 2 Financial Details

Income

You must attach your last three payslips and your P60 for the most recently completed financial year

2.18 Earned Income: Give details of your gross and net income in the last financial year, and in the current financial year.

Nature of income (e.g. salary, bonus)	Last financial year		Current financial year <i>(estimated for the whole year)</i>	
	Gross	Net	Gross	Net

2.19 Additional Income: benefits etc. Give details and the value of all benefits in kind, perks, or other remuneration not disclosed elsewhere, received in the last financial year and current financial year.

Nature of income	Last financial year	Current financial year <i>(estimated for the whole year)</i>

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Income continued

2.20 Self-employed or partnership income: Give details of annual net profit or loss for the last two accounting years, your share of this figure and tax payable to date of the last accounts and the estimate of income since that date. State the date on which your accounting year begins. Year 2 should be the most recent year, Year 1 the previous year. Please state the "from" and "to" dates for the years concerned.

Nature of income and date your accounting year begins	Details of the last two accounting periods					
	Net profit/loss		Your share of profit/loss		Tax payable by you	
	Year 1	Year 2	Year 1	Year 2	Year 1	Year 2
Net income SINCE date of last accounts and estimate for the whole year	Net Income	Estimate	<i>You must attach the accounts for the last two completed accounting years</i>			

2.21 Investment income (e.g. dividends, interest) Give details of net income received in the last financial year, and in the current financial year and state whether it was paid gross or net of income tax. You are not required to calculate any tax payable that may arise.

Nature of income and the asset from which it derived	Paid gross or net (delete that which is not applicable)	Last financial year	Current financial year
	Gross / Net		

2.22 State benefits (including state pension) Give details of all state benefits received in the last 52 weeks

Nature of income	Total Income received in the last 52 weeks

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2.23 Any other income Give details of any other income received in the last 52 weeks

Nature of income	Total Income for the last 52 weeks

Part 2 Financial Details *Summaries*

2.24 Summary of your income

Your estimate of your current annual net income from all sources (2.18 - 2.23)	Your estimate of your net income from all sources for the next 52 weeks
£	£ (J)

2.25 Summary of financial information

	Reference of the section on this statement	Value
Net value of your interest in the matrimonial home	A	
Total current value of all your your interest in the other realisable assets	B	
Total net value of your liabilities	C	
Total net value of your personal assets	D	
Total current value of your interest in business assets	E	
Total current value of your pension or transfer values	F	
Total value of your other assets	G	
Total value of your net assets (<i>excluding pension</i>)	H	
Total value of your net assets (<i>including pension</i>)	I	
Your estimated net income for the next 52 weeks	J	

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Part 3 Requirements		<i>Income Needs</i>
<p>3.1 Give the reasonable future income needs of yourself (e.g. housing, car etc) and of any children living with you, or provided for by you. This may be expressed as annual, monthly or weekly figures (state which), but you should not use a combination of any of these periods.</p>		
Item	Income needs of yourself	Amount
	sub-total	
Item	Income needs of child(ren) living with you, or provided for by you.	Amount
	sub-total	
Total income needs		£

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Part 3 Requirements		<i>Capital Needs</i>
<p>3.2 Give the reasonable future capital needs of yourself and of any children living with you, or provided for by you.</p>		
Item	Capital needs of yourself	Cost
	sub-total	
Item	Capital needs of child(ren) living with you, or provided for by you.	Cost
	sub-total	
Total capital needs		£

Part 4 Other Information

4.1 State whether there has been any significant change in your net assets during the last 12 months, including any assets held outside England and Wales (e.g. closure of any bank or building society accounts).

4.2 Give brief details of the standard of living enjoyed by you and your spouse during the marriage.

4.3 Are there any particular contributions to the family property and assets or outgoings, or to family life, that have been made by you, your partner or anyone else that you think should be taken into account? If so, give a brief description of the contribution, the amount, when it was made, and by whom.

4.4 Bad behaviour or conduct by the other party will only be taken into account in very exceptional circumstances when deciding how the assets should be divided after divorce . If you feel it should be taken into account in your case identify the nature of the behaviour or conduct.

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Part 4 Other Information *continued*

4.5 Give details of any other circumstances which you consider could significantly affect the extent of the financial provision to be made by or for you or for any child of the family e.g. earning capacity, disability, inheritance prospects or redundancy, remarriage and cohabitation plans, any contingent liabilities. (This list is not exhaustive).

4.6 If you have remarried (or intend to) or are living with another person (or intend to), give brief details, so far as they are known to you, of his or her income and assets.

Annual Income		Assets	
Nature of income	Value (state whether gross or net, if known)	Item	Value (if known)
Total:		Total:	

Part 5 Order Sought

5.1 If you are able to at this stage, specify what kind of orders you are asking the court to make, and state whether at this stage you see the case being appropriate for a “clean break”. (A “clean break” means a settlement or order which provides, amongst other things, that neither you nor your spouse will have any further claim against the income or capital of the other party. A clean break does not terminate the responsibility of a parent to a child).

5.2 **If you are seeking a transfer or settlement of any property or other asset, you must identify the asset in question.

5.3 **If you are seeking a variation of a pre-nuptial or post-nuptial settlement, you must identify the settlement, by whom it was made, its trustees and beneficiaries, and state why you allege it is a nuptial settlement.

**** Important Note:** Where 5.2, 5.3 (above) or 5.4 (overleaf) apply, you should seek legal advice before completing the sections.

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Part 5 Order Sought *continued*

5.4 ****If you are seeking an avoidance of disposition order, you must identify the property to which the disposition relates and the person or body in whose favour the disposition is alleged to have been made.**

Sworn confirmation of the information

I *(the above-named Applicant/Respondent)*

of make oath and confirm that the information given above is a full, frank, clear and accurate disclosure of my financial and other relevant circumstances.

Signed Dated

Sworn by the above named [Applicant] [Respondent] at

on

before me

A [solicitor] [Commissioner for Oaths] [Officer of a Court, appointed by the Judge to take Affidavits]

Address all communications to the Court Manager of the Court and quote the case number from page 1. If you do not quote this number, your correspondence may be returned.

The court office at is open from 10 a.m. to 4p.m. (4.30pm at the Principal Registry of the Family Division) on Monday to Friday only.

Notice of Allegation in Proceedings for Ancillary Relief

In the	
*[County Court]	
*[Principal Registry of the Family Division]	
Case No. <i>Always quote this</i>	
Applicant's Solicitor's reference	
Respondent's Solicitor's reference	

(*delete as appropriate)

The marriage of _____ and _____

Take Notice that

The following statement has been filed in proceedings for ancillary relief:

Signed:
[Respondent/Solicitor for the Respondent]

Dated:

If you wish to be heard on any matter affecting you in these proceedings you may intervene by applying to the Court for directions regarding:

- the filing and service of pleadings
- the conduct of further proceedings

You must apply for directions **within eight days** after you receive this Notice. The period of eight days includes the day you receive it.

The court office at

is open between 10 am and 4 pm (4.30pm at the Principal Registry of the Family Division) Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number. If you do not do so, your correspondence may be returned.

Form F Notice of allegation in proceedings for ancillary relief

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Notice of response to First Appointment

In the	
* [County Court]	
* [Principal Registry of the Family Division]	
Case No. <i>Always quote this</i>	
Applicant's Solicitor's reference	
Respondent's Solicitor's reference	

*(*delete as appropriate)*

The marriage of _____ and _____

Take Notice that

At the First Appointment which will be heard on _____ 20

at _____ [am][pm]

the [Applicant] [Respondent] [will][will not] be in a position to proceed on that occasion with a Financial Dispute Resolution appointment for the following reasons:-

Dated:

The court office at _____

is open between 10 am and 4 pm (4.30pm at the Principal Registry of the Family Division) Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number. If you do not do so, your correspondence may be returned.

Form G Notice of response to First Appointment

Ancillary Relief Costs Estimate of

*[Applicant]

*[Respondent] (*delete as appropriate)

In the	
*[County Court]	
*[Principal Registry of the Family Division]	
Case No. <small>Always quote this</small>	
Applicant's Solicitor's reference	
Respondent's Solicitor's reference	

The marriage of _____ and _____

PART 1

	Legal Aid Rates £	Indemnity Rate £
1. Ancillary relief solicitor's costs <i>(including VAT)</i> including costs of the current hearing, and any previous solicitor's costs.		
2. Disbursements <i>(include VAT, if appropriate, and any incurred by previous solicitors)</i>		
3. All Counsel's fees <i>(including VAT)</i>		
TOTAL		

PART 2

4. Add any private cases costs previously incurred <i>(Legal Aid cases only)</i>		
5. GRAND TOTAL		

PART 3

6. State what has been paid towards the total at 5 above		
7. Amount of any contributions paid by the assisted person towards their legal aid certificate		

NB. If you are Legally Aided and might be seeking an order for costs against the other party complete both rates.

Dated

The court office at

is open between 10 am and 4 pm (4.30pm at the Principal Registry of the Family Division) Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number. If you do not do so, your correspondence may be returned.

Form H Costs Estimate

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Notice of Request for Periodical Payments Order at same rate as Order for Maintenance Pending Suit

(*delete as appropriate)

In the	
*[County Court]	
*[Principal Registry of the Family Division]	
Case No. <i>Always quote this</i>	
Applicant's Solicitor's reference	
Respondent's Solicitor's reference	

The marriage of _____ and _____

Take Notice that

On _____ 1999 [20 ____] the Applicant obtained an Order for you to pay maintenance pending suit at the rate of £ _____.

The Applicant having applied in his/her petition (answer) for a Periodical Payments Order for himself/ herself has requested the Court to make such an Order at the same rate as above.

Signed (District Judge)

Dated

What to do if you object to this Order being made.

If you object to the making of such a Periodical Payments Order, you must notify the District Judge and the Applicant/Respondent of your objections within 14 days of this notice being served on you. If you do not do so, the District Judge may make an Order without notifying you further.

The court office at

is open between 10 am and 4 pm (4.30pm at the Principal Registry of the Family Division) Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number. If you do not do so, your correspondence may be returned.

Form I Notice of Request for Periodical Payments Order at same rate as Order for Maintenance Pending Suit

Dated 15th December 1999

*Irvine of Lairg, C.
Elizabeth Butler-Sloss
D. Hamilton
A. N. Fricker
Gerald Angel
Rachel A. Evans
D. M. Hodson
I. M. Robertson
L. A. Newton
Jennifer Roberts*

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EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Rules 1991 so as to create a new procedural code for applications for ancillary relief under the Matrimonial Causes Act 1973. This code appears in rules 2.51B to 2.70 of the Family Proceedings Rules, as amended. These Rules also introduce a new Appendix 1A, which contains new Forms A to I for the new procedure.