



**In the Family Court
Sitting at [Place]**

No:

**The Matrimonial Causes Act 1973
The Civil Partnership Act 2004
Schedule 1 to the Children Act 1989**
Delete as appropriate

**The Marriage of XX and YY, or
The Civil Partnership of XX and YY, or
The Relationship of XX and YY, or**
Adapt as necessary

After hearing *[name the advocate(s) who appeared]*....
After consideration of the documents lodged by the parties

**ORDER MADE BY [NAME OF JUDGE] ON [DATE] SITTING IN OPEN
COURT/PRIVATE AT A FIRST DIRECTIONS APPOINTMENT/FINANCIAL
DISPUTE RESOLUTION APPOINTMENT**
[Delete as appropriate]

**WARNING: IF YOU DO NOT COMPLY WITH THIS ORDER, YOU MAY BE
HELD TO BE IN CONTEMPT OF COURT AND YOU MAY BE SENT TO
PRISON, BE FINED, OR HAVE YOUR ASSETS SEIZED.**

The parties

1. The applicant is XX
The [first] respondent is YY
The [intervener]/[second respondent] is ZZ

Definitions and Recitals

2. *For example:* The “family home” shall mean *[insert address including postcode]* registered at HM Land Registry with title number *[insert]*.

Agreements

3. *(Record any agreements reached between the parties – for example: The parties have agreed the value of the family home at [insert address including postcode] at [insert value] for FDR purposes).*

Undertakings to the court

4. *(Record any undertakings given – for example:*

Undertaking to pay mortgage and outgoings on property

5. The [applicant]/[respondent] shall make the following payments pending [the financial dispute resolution appointment] / [the final determination of these

proceedings):- *insert – for example* all interest and capital repayments due in respect of the mortgage secured against the family home; and all [reasonable] sums due in respect of service charge, council tax, utilities (including but not limited to gas, electricity, water and telephone accounts), and buildings and contents insurance premiums in respect of [the family home].

Undertaking where a legal services order is made

6. The [applicant]/[respondent] shall repay to the [respondent]/[applicant] such part of the amounts paid under the legal services order below if, and to the extent that, the court is of the opinion, when considering costs at the conclusion of the proceedings, that (s)he ought to do so.

You may be held to be in contempt of court and imprisoned or fined, or your assets may be seized, if you break the promises that you have given to the court. If you fail to pay any sum of money which you have promised the court that you will pay, a person entitled to enforce the undertaking may apply to the court for an order. You may be sent to prison if it is proved that you-
(a) have, or have had since the date of your undertaking, the means to pay the sum; and
(b) have refused or neglected, or are refusing or neglecting, to pay that sum.

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court.

.....

.....

IT IS ORDERED [BY CONSENT] THAT:

Maintenance Pending Suit

7. The [applicant]/[respondent] shall pay to the [respondent]/[applicant] maintenance pending suit until the date of decree absolute and afterwards interim periodical payments at the rate of £*insert* per annum, payable [weekly]/[monthly] [in advance] / [in arrears] by standing order from *insert date, including a date earlier than the date of the order if backdating* until further order. [The [applicant]/[respondent] shall be given credit for the payment(s) of £*insert* made on *insert dates*].

OR

The [applicant]/[respondent] shall pay to the [respondent]/[applicant] maintenance pending suit until the date of decree absolute and afterwards interim periodical payments. Payments shall be at the rate of £*insert* per annum, payable [weekly]/[monthly] [in advance]/[in arrears] by standing order. Payments shall start on *insert date, including a date earlier than the date of the order if backdating*, and shall end on the first to occur of:

- a. the death of either the applicant or the respondent;
- b. the [respondent's]/[applicant's] remarriage;

- c. the determination of the applicant's application for a financial order; or
 - d. a further order.
- [The [applicant]/[respondent] shall be given credit for the payment(s) of £[insert] made on [insert date]].

Legal Services Order

- 8.
- a. This is a legal services order made pursuant to s22ZA of the Matrimonial Causes Act 1973 / para 38A of Schedule 5 to the Civil Partnership Act 2004.
 - b. The court was satisfied that without the amount specified below, the [applicant/respondent] would not reasonably be able to obtain appropriate legal services for the purposes of the proceedings.
 - c. The [respondent/applicant] shall pay the amount of £[insert amount] [by insert time and date]/[per calendar month commencing on insert time and date until insert time and date] to [insert name], the legal representatives of the [applicant/respondent].

Form E

9. The [applicant]/[respondent] shall send to the court and serve on the [respondent]/[applicant] a signed copy of [his]/[her] Form E together with all relevant attachments and accompanying documents by [insert time and date].

First appointment documents

10. The [applicant]/[respondent] shall send to the court and serve on the [respondent]/[applicant]:
- a. a chronology;
 - b. a statement of issues; and
 - c. a questionnaire and request for further documents [if so advised] by [insert time and date].

Replies to questionnaire

11. The [applicant]/[respondent]/[both parties] shall send to the court and serve on the [respondent]/[applicant]/[other party] [his]/[her]/[their respective] replies to the other's questionnaire and request for further documents [as amended by the judge] / [save for just exceptions] by [insert time and date].

Replies to schedule of deficiencies and supplemental questionnaire

12. The [applicant]/[respondent]/[both parties] shall send to the court and serve on the [respondent]/[applicant]/[other party] [his]/[her]/[their respective] replies to the other's schedule of deficiencies and supplemental questionnaire and request for further documents [as amended by the judge] / [save for just exceptions] by [insert time and date].

Concise narrative statements

13. The [applicant]/[respondent]/[both parties] shall send to the court and serve on the [respondent]/[applicant]/[other party] a concise narrative statement [dealing with all of the relevant factors listed in [Section 25 Matrimonial Causes Act 1973 or insert other relevant statutory provision]] / [limited to dealing with [insert] by [insert time and date].

Statement dealing with conduct

14.

- a. In the event that the [applicant]/[respondent] continues to seek to advance a conduct case, [he]/[she] shall send to the court and serve on the [respondent]/[applicant] a concise statement [(limited to [insert] pages)] by [insert time and date], restricted to addressing the following issues:
 - i. what conduct exactly [he]/[she] is seeking to rely upon;
 - ii. the basis for [his]/[her] conduct allegations; and
 - iii. what effect this alleged conduct should have on the current [financial remedy] application.
- b. The [respondent]/[applicant] has permission to send to the court and serve on the [applicant]/[respondent] a statement in answer, if so advised, by [insert time and date].

Permission regarding other evidence

15. The [applicant]/[respondent] has permission to send to the court and serve on the [respondent]/[applicant] [evidence]/[a letter]/[a statement] from [insert] if so advised [dealing with [insert] / limited to dealing with [insert]] by [insert time and date].

Evidence regarding mortgage raising capacity and housing needs

16.

- a. Each party shall serve on the other party copy particulars of properties they consider to be suitable to meet [their own] and/or [the child[ren] of the family's] housing needs, and the housing needs of [the other] and/or [the child[ren] of the family's], (limited to 5 of each) [by [insert time and date]] / [by [insert time] on the date [insert] weeks prior to the [financial dispute resolution appointment]/[final hearing]].
- b. Each party shall serve on the other party evidence of their or the other's party's mortgage raising capacity [by [insert time and date]] / [by [insert time] on the date [insert] weeks prior to the [financial dispute resolution appointment]/[final hearing]], [such evidence to be in the form of a certificate from a mortgage broker, indicating (i) the maximum mortgage that the broker believes [he]/[she] will be able to secure and (ii) the repayments that would be required on that mortgage on a repayment basis and on an interest only basis].

Updating disclosure

17. Each party shall serve on the other party their updating disclosure [by [insert time and date]] / [by [insert time] on the date [insert] weeks prior to the [financial dispute resolution appointment] / [final hearing]]. Updating disclosure means the disclosure of the following documents:-

- a. copies of all bank and building society statements relating to accounts in the category required by paragraph 2.3 of Form E, covering the period from the last statement which has been disclosed to the date of updating disclosure, or covering the period from the opening of the account to the date of updating disclosure for any such accounts which have come into existence since Form E;

- b. a copy of the most up to date statement or dividend counterfoil relating to investments in the category required by paragraph 2.4 of Form E, including in respect of any investments which have come into existence since Form E;
- c. a copy of an up to date surrender value for policies in the category required by paragraph 2.5 of Form E, including in respect of any policies which have come into existence since Form E;
- d. copies of documents evidencing the up to date amount due on liabilities in the category required by paragraph 2.9 or 2.10 of Form E, including in respect of any liabilities which have come into existence since Form E;
- e. copies of any business accounts which have become available since Form E for businesses in the category required by paragraph 2.11 of Form E, including in respect of any businesses which have come into existence since Form E, identifying the expected share of business profits from these accounts;
- f. copies of an up to date statement showing the Cash Equivalent of any pension rights (or value of any PPF rights) in the category required by paragraph 2.13 of Form E, including in respect of any pension rights or PPF rights which have come into existence since Form E;
- g. copies of all P60s and P11Ds received since Form E, and all pay slips received since the last P60;
- h. copies of all tax returns sent to HMRC and tax assessments received since Form E; and
- i. copies of all documents evidencing all income received since Form E in the nature of dividends, interest, rental income, state benefits or otherwise.

Interveners and Joinder of Parties

18.

- a. *[Insert name]* is given permission to intervene in these proceedings.
- b. *[Insert name]* is joined as a second respondent to these proceedings.
- c. The *[applicant]/[respondent]* shall by *[insert time and date]* serve upon the *[intervener]/[second respondent]* copies of the following documents: *[insert]*.
- d. The parties shall identify the basis of the dispute between them by complying with the following directions:-
 - i. The *[applicant]/[respondent]/[intervener]/[second respondent]* shall send to the court and serve on the other parties points of claim by *[insert time and date]*.
 - ii. The *[applicant]/[respondent]/[intervener]/[second respondent]* shall send to the court and serve on the other parties *[points of dispute]/[a defence]* by *[insert time and date]*.
 - iii. The *[applicant]/[respondent]/[intervener]/[second respondent]* shall send to the court and serve on the other parties any witness statements upon which *[he]/[she]/[they]* intend to rely by *[insert time and date]*.
 - iv. There be the following directions for disclosure:- *[insert]*

Documents to be produced by trustees

19. The *[second respondent]* shall by *[insert time and date]* send to the court and serve on the applicant and the respondent the following information and documents in respect of the *[insert]* settlement:

- a. copies of the deed of trust and all subsequent deeds of variation and appointment;
- b. copies of the completed and approved trust accounts for the last *[insert]* years;
- c. copies of any letter of wishes;
- d. confirmation as to the identity of the present trustees [and protector] of the trust;
- e. confirmation as to the identity of the present beneficiaries of the trust;
- f. a schedule authenticated by the trustees setting out all distributions and appointments made to or on behalf of the [applicant]/[respondent]/*[insert]* since *[insert date]*; and
- g. a short narrative statement setting out the trustees anticipated position in respect of any further distributions to or on behalf of the [applicant]/[respondent] / *[insert as appropriate]*.

Single Joint Expert Reports

20. General Provisions

- a. In default of agreement over the identity of an expert, the following method of selection shall be utilised: The [applicant]/[respondent] shall provide the [respondent]/[applicant] with a list of three appropriate experts by *[insert time and date]*. The [respondent]/[applicant] shall select one of the experts from the list by *[insert time and date]*.
- b. The letter of instruction shall be drafted by the [applicant]/[respondent] and agreed with the [respondent]/[applicant], or determined by the court in default of agreement.
- c. The costs charged by the expert for preparing the report shall be met by the parties equally in the first instance.
- d. Any questions shall be put to the expert by no later than 10 days after receipt of the report. The expert shall respond to those questions by *[insert time and date]*. The costs charged by the expert for answering those questions shall be met by the party raising them in the first instance.
- e. Save as is expressly ordered by the court, the expert's written report shall be admissible without the attendance at court of the expert. However, the expert shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert is reached by *[insert time and date]*
- f. Save as is expressly ordered by the court, no further expert evidence shall be admissible before the court.
- g. Permission to apply.

21. Property Values

- a. The value of the [property]/[properties] listed below, namely *[set out properties]* shall be agreed on or before *[insert time and date]*, if possible.
- b. In default of agreement the parties shall jointly instruct an [estate agent]/[chartered surveyor] to act as a single joint expert and to provide a [valuation report]/[market appraisal] in respect of [each]/[the] property. [The same expert shall value each of the properties]/[Separate experts shall value the separate properties].
- c. The identity of the expert(s) shall be *[[insert name]]*/[chosen in accordance with paragraph *[insert]* above].
- d. The letter of instruction shall be sent to the expert by *[insert time and date]*.

- e. The report shall be sent to the court (in both hardcopy and electronic format) and served on the parties simultaneously by *[insert time and date]*

22. Pension Issues

- a. The parties shall jointly instruct an [actuary]/[pensions expert]/[appropriate expert] to act as a single joint expert, and to provide a report, addressing the pension issues set out in the letter of instruction.
- b. The identity of the expert shall be *[[insert name]]*/[chosen in accordance with paragraph *[insert]* above].
- c. The letter of instruction shall be sent to the expert by *[insert time and date]*.
- d. The report shall be sent to the court (in both hardcopy and electronic format) and served on the parties simultaneously by *[insert time and date]*

23. Taxation Issues

- a. The parties shall jointly instruct an [accountant]/[appropriate expert] to act as a single joint expert, and to provide a report, addressing the taxation issues set out in the letter of instructions.
- b. The identity of the expert shall be *[[insert name]]*/[chosen in accordance with paragraph *[insert]* above].
- c. The letter of instruction shall be sent to the expert by *[insert time and date]*
- d. The report shall be sent to the court (in both hardcopy and electronic format) and served on the parties simultaneously by *[insert time and date]*

Updating property valuations for final hearing

24. In relation to any real property valued prior to the financial dispute resolution appointment and in relation to which either party wishes to assert that the value has significantly changed since that valuation was undertaken the parties shall instruct (by way of an agreed joint letter of instruction) the single joint expert to express a view on whether there has been any change in value since the initial report and, if so, what is the current value. The costs of this exercise shall be met by the parties equally in the first instance.

Pensions information

25. The [pension provider]/[pension scheme] shall [complete, send to the court and serve on the parties a copy of the Form P1 (pension inquiry form)]/[provide the information required by Regulations 2, 3 and 4 of the Pensions on Divorce etc (Provision of Information Regulations) 2000] by *[insert date and time]*.

Scott schedule

26. The [parties] shall by *[insert time and date]* prepare a Scott Schedule, stating in relation to each item of property in dispute [their]/[each party's] case as to:
 - a. the party by whom it was acquired;
 - b. how and from whom it was acquired with documentary evidence in support;
 - c. its current value with documentary evidence in support; and
 - d. what order is sought and the justification for seeking it.

Further hearing(s)

27.

- a. The application shall be further listed as follows:-
Delete as appropriate
for a mention hearing before [insert name or level of judge] on [insert time and date] (time estimate:)
for a further directions appointment before [insert name or level of judge] on [insert time and date] (time estimate:)
for a financial dispute resolution appointment before [insert name or level of judge] on [insert time and date] (time estimate:)
for a pre-trial review before [insert name or level of judge] on [insert time and date] (time estimate:)
for a final hearing before [insert name or level of judge] on [insert time and date] (time estimate:)
Adapt for local listing arrangements
- b. [Both parties and their legal representatives shall attend the court building at least one hour prior to the listing time of the financial dispute resolution appointment to negotiate and attempt to narrow issues.]
- c. [Both parties shall attend the final hearing to give oral evidence].
- d. [The personal attendance at the hearing on [insert time and date] of [insert name] is excused provided that legal representatives attend on his/her behalf with full instructions.]
- e. A bundle will be prepared in accordance with Practice Direction 27A. The bundle must be agreed, if possible, by both parties, but the [applicant]/[respondent] shall take the lead in preparing the bundle. The bundle must be paginated and the documents shall be in chronological order within each section. The bundle must be lodged at court by not later than [insert] days before the final hearing.
- f. [The bundle should, if possible, include an agreed schedule of assets and liabilities. Where the schedule cannot be agreed then the bundle should include the schedule of assets contended for by each party which should identify which items are not agreed between the parties.]

28. Other Orders

29. Costs

Delete as appropriate

[Costs in the application]/[Costs reserved]/[No order as to costs]/[The [applicant]/[respondent] shall pay [£insert amount towards] the [respondent's]/[applicant's] costs of and relating to this hearing by [insert date] [summarily assessed at [£insert amount]]/[subject to detailed assessment if not agreed]].

Dated:

Approved by: