

*THE ORDERS  
PROJECT*

*FINANCIAL  
REMEDY  
DIRECTIONS  
ORDERS  
OMNIBUS –  
LONGER VERSION*

## Table of Contents

<b>The parties .....</b>	<b>5</b>
<b>Definitions .....</b>	<b>6</b>
<b>Recitals .....</b>	<b>6</b>
Recital for without notice hearings .....	6
Recital for short informal notice hearings .....	6
Recital as to a MIAM.....	6
Agreements .....	6
<b>Undertakings to the court .....</b>	<b>6</b>
Undertaking for without notice hearings .....	6
Undertaking to pay mortgage and outgoings on property .....	7
Undertaking where a legal services order is made.....	7
<b>Orders .....</b>	<b>8</b>
Maintenance Pending Suit .....	8
Legal Services Order.....	8
Order to attend a MIAM and to send form FM1 to the Court .....	9
Form E / Form E1 .....	9
First appointment documents.....	9
Replies to questionnaire.....	9
Schedule of deficiencies and supplemental questionnaire.....	9
Replies to schedule of deficiencies and supplemental questionnaire .....	10
Statements.....	10
Statements dealing with conduct .....	10
Permission regarding other evidence.....	10
Evidence regarding mortgage raising capacity and housing needs .....	10
Updating disclosure .....	11
Valuation of land and real property [for non-Schedule 1 cases] .....	12
<i>Order for one party to instruct an expert [where valuer has been identified] .....</i>	<i>12</i>
<i>Order for one party to instruct an expert [where valuer has not been identified] ..</i>	<i>12</i>

<i>Order for individually instructed experts to exchange reports/meet</i> .....	13
<i>Order to instruct a single joint expert [where valuer has been identified]</i> .....	14
<i>Order to instruct a single joint expert [where valuer has not been identified]</i> .....	15
<i>Other</i> .....	15
Valuation of land and real property [for Schedule 1 cases].....	16
<i>Permission to one party to instruct an expert [where valuer has been identified]</i> ..	16
<i>Permission to one party to instruct an expert [where valuer has not been identified]</i> .....	16
<i>Order for individually instructed experts to exchange reports/meet</i> .....	17
<i>Permission to instruct a single joint expert [where valuer has been identified]</i> .....	18
<i>Permission to instruct a single joint expert [where valuer has not been identified]</i> .....	19
<i>Other</i> .....	20
<i>Updating property valuations for final hearing</i> .....	20
Other expert reports – pensions report [for non-Schedule 1 cases] .....	20
<i>Pensions information</i> .....	20
<i>Order for one party to instruct an expert [where expert has been identified]</i> .....	20
<i>Order for one party to instruct an expert [where expert has not been identified]</i> ..	21
<i>Order for individually instructed experts to exchange reports/meet</i> .....	22
<i>Order to instruct a single joint expert [where expert has been identified]</i> .....	23
<i>Order to instruct a single joint expert [where expert has not been identified]</i> .....	24
Other expert reports – tax report [for non-Schedule 1 cases] .....	25
<i>Order to one party to instruct an expert [where expert has been identified]</i> .....	25
<i>Order to one party to instruct an expert [where expert has not been identified]</i> ....	26
<i>Order for individually instructed experts to exchange reports/meet</i> .....	27
<i>Order to instruct a single joint expert [where expert has been identified]</i> .....	27
<i>Order to instruct a single joint expert [where expert has not been identified]</i> .....	29
Other expert reports – tax report [for Schedule 1 cases] .....	30
<i>Permission to one party to instruct an expert [where expert has been identified]</i> ..	30
<i>Permission to one party to instruct an expert [where expert has not been identified]</i> .....	31
<i>Order for individually instructed experts to exchange reports/meet</i> .....	32
<i>Permission to instruct a single joint expert [where expert has been identified]</i> .....	33
<i>Permission to instruct a single joint expert [where expert has not been identified]</i> 34	
No other expert evidence without the court’s permission .....	35
Variation of settlement.....	36
Consolidation of proceedings .....	36
Intervener(s).....	36
Joinder of parties.....	36

Evidence to be served on intervener(s)/additional parties .....	36
Evidence of intervener(s)/additional parties .....	36
Documents to be produced by trustees .....	37
Preliminary issue hearing.....	37
Scott schedule .....	37
Permission to disclose order to CMS.....	38
Further hearing(s).....	38
Adjournment .....	38
Adjournment for settlement negotiations/mediation/arbitration/ private financial dispute resolution appointment .....	38
Evidence at the financial dispute resolution appointment .....	39
Evidence at final hearing .....	39
Costs Estimates .....	40
Offers for financial dispute resolution appointment .....	40
Offers for other hearings .....	41
Costs.....	41
Costs – order against a publicly funded party.....	42
Delayed costs order.....	42



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

**No:**

**The Matrimonial Causes Act 1973  
The Civil Partnership Act 2004  
The Child Support Act 1991  
Schedule 1 to the Children Act 1989  
The Inheritance (Provision for Family and Dependants) Act 1975  
The Matrimonial and Family Proceedings Act 1984 and Schedule 7 to the Civil Partnership Act 2004  
The Trusts of Land and Appointment of Trustees Act 1996  
The Married Women’s Property Act 1882 and ss 67, 68 and 74 of the Civil Partnership Act 2004**

*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  
The Family of XX and YY**

*Adapt as necessary*

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

After consideration of the documents lodged by the parties

*(In the case of an order made without notice)* After reading the statements and hearing the witnesses specified in para *[insert]* of the Recitals below

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

*[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  
*Specify if any party acts by a litigation friend*

## **Definitions**

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

## **Recitals**

### **Recital for without notice hearings**

3. (*In the case of an order made without notice*)
  - a. This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent was [*set out*].
  - b. The Judge read the following affidavits/witness statements [*set out*] and heard oral testimony from [*name*].

### **Recital for short informal notice hearings**

4. (*In the case of an order made following the giving of short informal notice*)

This order was made at a hearing without full notice having been given to the respondent. The reason why the order was made without full notice having been given to the respondent was [*set out*].

### **Recital as to a MIAM**

5. [It is recorded that the [applicant]/[respondent]/[parties] have attended a MIAM and have sent to the court a completed Form FM1 dated [*insert*] / [It is recorded that the [applicant has not]/[respondent has not]/[neither of the parties have] attended a MIAM; and it is further recorded that [it appears to the court that a MIAM would not be appropriate within these proceedings] / [it appears to the court that neither party has provided any reason that in the view of the court would render mediation unlikely to be effective]]

## **Agreements**

6. (*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**

7. (*Record any undertakings given*).

### **Undertaking for without notice hearings**

8. By [*insert time and date*] the applicant shall [use [his]/[her] best endeavours personally to serve upon the respondent] / [serve upon the respondent, by [*insert method of service – for example posting to the respondent’s usual address*]], together with this order:
  - a. a copy of the application;

- b. copies of the witness statement(s) and exhibits containing the evidence relied upon by the applicant, and any other documents provided to the court on the making of the application; and
- c. a note [prepared by [his]/[her] solicitor] recording the substance of the dialogue with the court at the hearing and the reasons given by the court for making the order, which note shall include (but not be limited to) any allegation of fact made orally to the court where such allegation is not contained in the witness statement(s) or draft witness statement(s) read by the judge.

**Undertaking to pay mortgage and outgoings on property**

- 9. 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**

- 10. 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.

.....

.....

## Orders

### IT IS ORDERED (BY CONSENT) THAT:

#### Maintenance Pending Suit

11. 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

12.

- a. This is a legal services order made pursuant to s 22ZA 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].



### **Order to attend a MIAM and to send form FM1 to the Court**

13. The [applicant]/[respondent] shall attend a Mediation Information and Assessment Meeting and shall send a completed Form FM1 to the court by *[insert time and date]*.

### **Form E / Form E1**

14.
  - a. The [applicant]/[respondent] shall send to the court and serve on the [respondent]/[applicant] a signed copy of [his]/[her] [Form E] / [Form E1] together with all relevant attachments and accompanying documents by *[insert time and date]*.
  - b. If the [applicant]/[respondent] has not been personally served with this order by *[insert date]*, and the [applicant]/[respondent] has thus not completed the steps by *[insert time and date]*, then [he]/[she] shall send to the court and serve on the [respondent]/[applicant] a complete signed copy of [his]/[her] [Form E]/[Form E1] together with all relevant attachments and accompanying documents by no later than 4pm on the date *[insert]* days after the date on which [he]/[she] is personally served with this order. If that date falls on a date on which the courts are closed, then [he]/[she] shall send to the court and serve on the [respondent]/[applicant] [his]/[her] [Form E]/[Form E1] by 4pm on the next day that they are open.

### **First appointment documents**

15. 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**

16. 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]*.

### **Schedule of deficiencies and supplemental questionnaire**

17. The [applicant]/[respondent] shall send to the court and serve on the [respondent]/[applicant] a schedule of deficiencies and supplemental questionnaire and request for further documents [if so advised] by *[insert time and date]*.

### **Replies to schedule of deficiencies and supplemental questionnaire**

18. 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].

### **Statements**

- 19.
- a. The [applicant]/[respondent]/[both parties] shall send to the court and serve on [the respondent]/[the applicant]/[the other party] a concise narrative statement [dealing with all of the relevant factors listed in [insert the relevant section of the statute(s) or the statute(s)]] / [dealing with [insert]] / [limited to dealing with [insert]] by [insert time and date].
  - b. The [respondent]/[applicant] [shall] / [has permission, if so advised, to] send to the court and serve on the [applicant]/[respondent] a concise narrative statement in answer to that sent by the [applicant]/[respondent] [dealing with]/[limited to] the same issues by [insert time and date].

### **Statements dealing with conduct**

- 20.
- 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**

21. 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**

- 22.
- 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 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].
- c. Each party shall have permission to serve on the other party such evidence upon which they seek to rely in relation to the other's mortgage capacity within *insert* days of receipt of the other's evidence as to their own mortgage capacity.

### **Updating disclosure**

23. 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 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.

***[Important note: paras 24 – 51 cover all possible directions concerning expert evidence. The rules differ between children and non-children cases. In financial remedy proceedings any application which relates “wholly or mainly to the maintenance of a minor” will be classified as children proceedings – see FPR 2010 rule 25.2(1). For convenience these are referred to here as Schedule 1 proceedings. Paras 22 - 27 and 34 – 44 relate to non-Schedule 1 proceedings and paras 28 - 33 and 45 – 49 relate to Schedule 1 proceedings]***

### **Valuation of land and real property [for non-Schedule 1 cases]**

#### ***Order for one party to instruct an expert [where valuer has been identified]***

24.

- a. The [applicant]/[respondent] shall instruct [*insert expert*] as an expert to provide a [valuation report]/[market appraisal] in respect of the property at [*insert address and postcode*].
- b. The letter of instruction shall be drafted by the [applicant]/[respondent] by [*insert time and date*].
- c. The letter of instruction [and [*insert any other documents*]] 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 form) and served on the [applicant]/[respondent] by [*insert time and date*].
- e. The [applicant]/[respondent] shall disclose the report to the [respondent]/[applicant] by [*insert time and date*].
- f. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- g. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- h. [The expert shall respond to those questions by [*insert time and date*]].
- i. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- j. [Save as is expressly ordered by the court, the [applicant’s]/[respondent’s] expert’s/[both experts’] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant’s expert]/[the respondent’s expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by [*insert time and date*]].

#### ***Order for one party to instruct an expert [where valuer has not been identified]***

25.

- a. The [applicant]/[respondent] shall instruct an [estate agent]/[chartered surveyor]/[appropriate expert] to provide a [valuation report]/[market appraisal] in respect of the property at [*insert address and postcode*]
- b. The letter of instruction shall be drafted by the [applicant]/[respondent] by

- [insert time and date].
- c. The letter of instruction [and [insert any other documents]] 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 form) and served on the [applicant]/[respondent] by [insert time and date].
  - e. The [applicant]/[respondent] shall disclose the report to the [respondent]/[applicant] by [insert time and date].
  - f. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
  - g. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
  - h. [The expert shall respond to those questions by [insert time and date]].
  - i. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
  - j. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert. However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by [insert time and date]].

***Order for individually instructed experts to exchange reports/meet***

26.

- a. The [applicant]/[the respondent]/[the parties] shall [each] disclose [his]/[her]/[their] expert's [valuation report]/[market appraisal to [the respondent's]/[the applicant's]/[the other's] expert by [insert time and date].
- b. There shall be a meeting between the [applicant's]/[respondent's] expert and [respondent's]/[applicant's] expert by [insert time and date] to discuss:
  - i. the reasons for disagreement on any expert question and what, if any, action needs to be taken to resolve any outstanding disagreement or question;
  - ii. what existing evidence or additional evidence needs to be obtained to assist the Court to determine the issues;
  - iii. etc.

At least five business days prior to this meeting, [insert nominated professional in accordance with FPR PD 25E, para 3.1] shall formulate an agenda including a list of questions for consideration at the meeting, and at least two business days prior to this meeting, [insert nominated professional in accordance with FPR PD 25E, para 3.1] shall send the agenda to both experts].
- c. A statement of agreement and disagreement shall be prepared by the experts following their meeting and shall be served on both parties not later than 5 business days after the meeting has taken place.
- d. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give

oral evidence, unless agreement about the opinions given by the expert(s) is reached by *[insert time and date]*.

***Order to instruct a single joint expert [where valuer has been identified]***

27.

The parties shall jointly instruct *[insert expert]* as a single joint expert to provide a [valuation report]/[market appraisal] in respect of the property at *[insert address and postcode]*, in accordance with the attached letter of instruction, and the following consequential provisions shall apply:

- a. The letter of instruction [and *[insert any other documents]*] shall be sent to the expert by *[insert time and date]*.
- b. 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]*.
- c. The costs charged by the expert for preparing the report shall be met by the [applicant]/ [respondent]/[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 (in accordance with FPR 2010, rule 25.10)].
- e. [The expert shall respond to those questions by *[insert time and date]*].
- f. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- g. [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]*].

OR

The parties [shall] jointly instruct *[insert expert]* as a single joint expert to provide a [valuation report]/[market appraisal] in respect of the property at *[insert address and postcode]*, and the following consequential provisions shall apply:

- a. The letter of instruction shall be drafted by the [applicant]/[respondent] and agreed with the [respondent]/[applicant] by *[insert time and date]*, or determined by the court in default of agreement.
- b. The letter of instruction [and *[insert any other documents]*] shall be sent to the expert by *[insert time and date]*;
- c. 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]*.
- d. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- e. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- f. [The expert shall respond to those questions by *[insert time and date]*].
- g. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- h. [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]*].

***Order to instruct a single joint expert [where valuer has not been identified]***

28. The value of the property at *[insert address and postcode]* shall be agreed if possible. In default of agreement by *[insert time and date]*, the parties shall jointly instruct an *[estate agent]/[chartered surveyor]/[appropriate expert]* to act as a single joint expert and to provide a *[valuation report]/[market appraisal]* in respect of the property at *[insert address and postcode]* and the following consequential provisions shall apply:
- a. *[The parties shall agree the identity of the single joint expert by [insert time and date]. If the parties cannot agree the identity of the single joint expert, [the President of the Royal Institution of Chartered Surveyors shall nominate an [estate agent]/[surveyor]]/ [the [applicant]/[respondent] shall provide the [respondent]/[applicant] with a list of three appropriate experts by [insert date and time], and 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] by [insert time and date], or determined by the court in default of agreement.*
  - c. *The letter of instruction [and [insert any other documents]] 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].*
  - e. *The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.*
  - f. *[Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].*
  - g. *[The expert shall respond to those questions by [insert time and date]].*
  - h. *[The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].*
  - i. *[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]].*

***Other***

29. *[The valuation of the property at [insert address and postcode] prepared by [insert name] and dated [insert date] shall be the valuation to be used for the purposes of the [financial dispute resolution appointment]/[final hearing]/[as appropriate.]*

**OR**

*[The parties have]/[The applicant has]/[The respondent has] permission to rely on the valuation of the property at [insert address and postcode] prepared by [insert name] and dated [insert date], and this shall be the valuation to be used, for the purposes of the [financial dispute resolution appointment]/[final hearing]/[as appropriate.]*

## **Valuation of land and real property [for Schedule 1 cases]**

### ***Permission to one party to instruct an expert [where valuer has been identified]***

30.

- a. The [applicant]/[respondent] has permission to instruct [*insert expert*] as an expert to provide a [valuation report]/[market appraisal] in respect of the property at [*insert address and postcode*].
- b. The question(s) which the [applicant]/[respondent] shall ask of [*insert expert*] shall be as follows:
  - i. set out the estimated amount which a willing buyer could be expected to pay a willing seller for the property in an arms-length transaction after proper marketing of the property on the open market, where both the buyer and the seller have acted knowledgeably, prudently and without compulsion;
  - ii. etc
- c. The letter of instruction shall be drafted by the [applicant]/[respondent] by [*insert time and date*].
- d. The letter of instruction [and [*insert any other documents*]] 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 form) and served on the [applicant]/[respondent] by [*insert time and date*].
- f. The [applicant]/[respondent] shall disclose the report to the [respondent]/[applicant] by [*insert time and date*].
- g. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- h. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- i. [The expert shall respond to those questions by [*insert time and date*]].
- j. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- k. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by [*insert time and date*]].

### ***Permission to one party to instruct an expert [where valuer has not been identified]***

31.

- a. The [applicant]/[respondent] has permission to instruct an [estate agent]/[chartered surveyor]/[appropriate expert] to provide a [valuation report]/[market appraisal] in respect of the property at [*insert address and postcode*]
- b. The question(s) which the [applicant]/[respondent] shall ask of the expert shall be as follows:
  - i. set out the estimated amount which a willing buyer could be expected to pay a willing seller for the property in an arms-length transaction



after proper marketing of the property on the open market, where both the buyer and the seller have acted knowledgeably, prudently and without compulsion;

- ii. etc
- c. The letter of instruction shall be drafted by the [applicant]/[respondent] by [insert time and date].
- d. The letter of instruction [and [insert any other documents]] 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 form) and served on the [applicant]/[respondent] by [insert time and date].
- f. The [applicant]/[respondent] shall disclose the report to the [respondent]/[applicant] by [insert time and date].
- g. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- h. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- i. [The expert shall respond to those questions by [insert time and date]].
- j. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- k. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by [insert time and date]].

***Order for individually instructed experts to exchange reports/meet***

32.

- a. [The applicant]/[the respondent]/[the parties] shall [each] disclose [his]/[her]/[their] expert's [valuation report]/[market appraisal to [the respondent's]/[the applicant's]/[the other's] expert by [insert time and date].
- b. There shall be a meeting between the [applicant's]/[respondent's] expert and [respondent's]/[applicant's] expert by [insert time and date] to discuss:
  - i. the reasons for disagreement on any expert question and what, if any, action needs to be taken to resolve any outstanding disagreement or question;
  - ii. what existing evidence or additional evidence needs to be obtained to assist the Court to determine the issues;
  - iii. etc.At least five business days prior to this meeting, [insert nominated professional in accordance with FPR PD 25E, para 3.1] shall formulate an agenda including a list of questions for consideration at the meeting, and at least two business days prior to this meeting, [insert nominated professional in accordance with FPR PD 25E, para 3.1] shall send the agenda to both experts].
- c. A statement of agreement and disagreement shall be prepared by the experts following their meeting and shall be served on both parties not later than 5 business days after the meeting has taken place.

- d. [Save as is expressly ordered by the court, the [applicant's][respondent's] expert's]/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by [*insert time and date*]].

***Permission to instruct a single joint expert [where valuer has been identified]***

33. The parties have permission to jointly instruct [*insert expert*] as a single joint expert to provide a [valuation report]/[market appraisal] in respect of the property at [*insert address and postcode*], in accordance with the attached letter of instruction, and the following consequential provisions shall apply:
  - a. The question(s) which the parties shall ask of the expert shall be as follows:
    - i. set out the estimated amount which a willing buyer could be expected to pay a willing seller for the property in an arms-length transaction after proper marketing of the property on the open market, where both the buyer and the seller have acted knowledgeably, prudently and without compulsion; and
    - ii. etc
  - b. The letter of instruction [and [*insert any other documents*]] shall be sent to the expert by [*insert time and date*].
  - c. 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*].
  - d. The costs charged by the expert for preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.
  - e. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
  - f. [The expert shall respond to those questions by [*insert time and date*]].
  - g. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
  - h. [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*]].

OR

The parties have permission to jointly instruct [*insert expert*] as a single joint expert to provide a [valuation report]/[market appraisal] in respect of the property at [*insert address and postcode*], and the following consequential provisions shall apply:

- a. The question(s) which the parties shall ask of the expert shall be as follows:
  - i. set out the estimated amount which a willing buyer could be expected to pay a willing seller for the property in an arms-length transaction after proper marketing of the property on the open market, where both the buyer and the seller have acted knowledgeably, prudently and without compulsion; and
  - ii. etc.
- b. The letter of instruction shall be drafted by the [applicant]/[respondent] and

agreed with the [respondent]/[applicant] by [insert time and date], or determined by the court in default of agreement.

- c. The letter of instruction [and [insert any other documents]] 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].
- e. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- f. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- g. [The expert shall respond to those questions by [insert time and date]].
- h. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- i. [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]].

***Permission to instruct a single joint expert [where valuer has not been identified]***

34. The value of the property at [insert address and postcode] shall be agreed if possible. In default of agreement by [insert time and date], the parties have permission to jointly instruct an [estate agent]/[chartered surveyor]/[appropriate expert] to act as a single joint expert and to provide a [valuation report]/[market appraisal] in respect of the property at [insert address and postcode] the following consequential provisions shall apply:

- a. The question(s) which the parties shall ask of the expert shall be as follows:
  - i. set out the estimated amount which a willing buyer could be expected to pay a willing seller for the property in an arms-length transaction after proper marketing of the property on the open market, where both the buyer and the seller have acted knowledgeably, prudently and without compulsion;
  - ii. etc
- b. [The parties shall agree the identity of the single joint expert by [insert time and date]. If the parties cannot agree the identity of the single joint expert, [the President of the Royal Institution of Chartered Surveyors shall nominate an [estate agent]/[surveyor] / [the [applicant]/[respondent] shall provide the [respondent]/[applicant] with a list of three appropriate experts by [insert date and time], and the [respondent]/[applicant] shall select one of the experts from the list by [insert time and date]].
- c. The letter of instruction shall be drafted by the [applicant]/[respondent] and agreed with the [respondent]/[applicant] by [insert time and date], or determined by the court in default of agreement.
- d. The letter of instruction [and [insert any other documents]] 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].
- f. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

- g. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- h. [The expert shall respond to those questions by *[insert time and date]*].
- i. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- j. [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]*].

***Other***

- 35. [The valuation of the property at *[insert address and postcode]* prepared by *[insert name]* and dated *[insert date]* shall be the valuation to be used for the purposes of the [financial dispute resolution appointment]/[final hearing]/*[as appropriate.]*] / [The parties have]/[The applicant has]/[The respondent has] permission to rely on the valuation of the property at *[insert address and postcode]* prepared by *[insert name]* and dated *[insert date]*, and this shall be the valuation to be used, for the purposes of the [financial dispute resolution appointment]/[final hearing]/*[as appropriate.]*]

***Updating property valuations for final hearing***

- 36. 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.

**Other expert reports – pensions report [for non-Schedule 1 cases]**

***Pensions information***

- 37. 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]*.

***Order for one party to instruct an expert [where expert has been identified]***

- 38.
  - a. The [applicant]/[respondent] shall instruct *[insert actuary/pensions expert]* as an expert to provide a report, addressing:
    - i. the most cost-effective way to divide the pension provision available to [the applicant]/[the respondent]/[both parties] between the parties so as to provide equality of pension income [now]/[when the [applicant]/[respondent] reaches the age of 60, 65 or as appropriate];

- ii. an estimate of the pension income that would be receivable by the [applicant]/[respondent] in each of the scenarios in paragraph (ii) above;
  - iii. the most cost-effective way to divide the pension provision available to [the applicant]/[the respondent]/[both parties] between the parties so as to achieve equality of [capital value]/[CE] of those pensions;
  - iv. etc
- b. The letter of instruction shall be drafted by the [applicant]/[respondent] by *[insert time and date]*.
  - c. The letter of instruction [and *[insert any other documents]*] 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 form) and served on the [applicant]/[respondent] by *[insert time and date]*.
  - e. The [applicant]/[respondent] shall disclose the report to the [respondent]/[applicant] by *[insert time and date]*.
  - f. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
  - g. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
  - h. [The expert shall respond to those questions by *[insert time and date]*].
  - i. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
  - j. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by *[insert time and date]*].

***Order for one party to instruct an expert [where expert has not been identified]***

39.

- a. The [applicant]/[respondent] shall instruct an [actuary]/[pensions expert]/[appropriate expert] to provide a report, addressing:
  - i. the most cost-effective way to divide the pension provision available to [the applicant]/[the respondent]/[both parties] between the parties so as to provide equality of pension income [now]/[when the [applicant]/[respondent] reaches the age of 60, 65 or as appropriate];
  - ii. an estimate of the pension income that would be receivable by the [applicant]/[respondent] in each of the scenarios in paragraph (ii) above;
  - iii. the most cost-effective way to divide the pension provision available to [the applicant]/[the respondent]/[both parties] between the parties so as to achieve equality of [capital value]/[CE] of those pensions;
  - iv. etc
- b. The letter of instruction shall be drafted by the [applicant]/[respondent] by *[insert time and date]*.
- c. The letter of instruction [and *[insert any other documents]*] 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 form) and served on the [applicant]/[respondent] by *[insert time and date]*.
- e. The [applicant]/[respondent] shall disclose the report to the [respondent]/[applicant] by *[insert time and date]*.
- f. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- g. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- h. [The expert shall respond to those questions by *[insert time and date]*].
- i. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- j. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by *[insert time and date]*].

***Order for individually instructed experts to exchange reports/meet***

40.

- a. [The applicant]/[the respondent]/[the parties] shall [each] disclose [his]/[her]/[their] expert's report to [the respondent's]/[the applicant's]/[the other's] expert by *[insert time and date]*.
- b. There shall be a meeting between the [applicant's]/[respondent's] expert and [respondent's]/[applicant's] expert by *[insert time and date]* to discuss:
  - i. the reasons for disagreement on any expert question and what, if any, action needs to be taken to resolve any outstanding disagreement or question;
  - ii. what existing evidence or additional evidence needs to be obtained to assist the Court to determine the issues;
  - iii. etc.

At least five business days prior to this meeting, *[insert nominated professional in accordance with FPR PD 25E, para 3.1]* shall formulate an agenda including a list of questions for consideration at the meeting, and at least two business days prior to this meeting, *[insert nominated professional in accordance with FPR PD 25E, para 3.1]* shall send the agenda to both experts].

- c. A statement of agreement and disagreement shall be prepared by the experts following their meeting and shall be served on both parties not later than 5 business days after the meeting has taken place.
- d. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by *[insert time and date]*].

***Order to instruct a single joint expert [where expert has been identified]***

41.

- a. The parties shall jointly instruct [*insert actuary/pensions expert*] as a single joint expert to provide a report in accordance with the attached letter of instruction, addressing
  - i. the most cost-effective way to divide the pension provision available to [the applicant]/[the respondent]/[both parties] between the parties so as to provide equality of pension income [now]/[when the [applicant]/[respondent] reaches the age of 60, 65 or as appropriate];
  - ii. an estimate of the pension income that would be receivable by the [applicant]/[respondent] in each of the scenarios in paragraph (ii) above;
  - iii. the most cost-effective way to divide the pension provision available to [the applicant]/[the respondent]/[both parties] between the parties so as to achieve equality of [capital value]/[CE] of those pensions;
  - iv. etc
- b. The letter of instruction [and [*insert any other documents*]] shall be sent to the expert by [*insert time and date*].
- c. 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*].
- d. The costs charged by the expert for preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.
- e. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- f. [The expert shall respond to those questions by [*insert time and date*]].
- g. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- h. [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*]].

OR

The parties shall jointly instruct [*insert actuary/pensions expert*] as a single joint expert to provide a report, addressing the following matters:

- a. the most cost-effective way to divide the pension provision available to [the applicant]/[the respondent]/[both parties] between the parties so as to provide equality of pension income [now]/[when the [applicant]/[respondent] reaches the age of 60, 65 or as appropriate];
- b. an estimate of the pension income that would be receivable by the [applicant]/[respondent] in each of the scenarios in paragraph (a) above;
- c. the most cost-effective way to divide the pension provision available to [the applicant]/[the respondent]/[both parties] between the parties so as to achieve equality of [capital value]/[CETV] of those pensions;
- d. ...

and the following consequential provisions shall apply:

- e. The letter of instruction shall be drafted by the [applicant]/[respondent] and agreed with the [respondent]/[applicant] by [*insert time and date*], or determined by the court in default of agreement.

- f. The letter of instruction [and [*insert any other documents*]] shall be sent to the expert by [*insert time and date*].
- g. 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*].
- h. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- i. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- j. [The expert shall respond to those questions by [*insert time and date*]].
- k. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- l. [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*]].

***Order to instruct a single joint expert [where expert has not been identified]***

42.

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 following matters:

- a. the most cost-effective way to divide the pension provision available to [the applicant]/[the respondent]/[both parties] between the parties so as to provide equality of pension income [now]/[when the [applicant]/[respondent] reaches the age of 60, 65 or as appropriate];
- b. an estimate of the pension income that would be receivable by the [applicant]/[respondent] in each of the scenarios in paragraph (a) above;
- c. the most cost-effective way to divide the pension provision available to [the applicant]/[the respondent]/[both parties] between the parties so as to achieve equality of [capital value]/[CE] of those pensions;
- d. ...

and the following consequential provisions shall apply:

- e. The [applicant]/[respondent] shall provide the [respondent]/[applicant] with a list of three appropriate experts by [*insert date and time*].
- f. The [respondent]/[applicant] shall select one of the experts from the list by [*insert time and date*].
- g. The letter of instruction shall be drafted by the [applicant]/[respondent] and agreed with the [respondent]/[applicant] by [*insert time and date*], or determined by the court in default of agreement.
- h. The letter of instruction [and [*insert any other documents*]] shall be sent to the expert by [*insert time and date*].
- i. The report shall be sent to the court (in both hardcopy and electronic form) and served on the parties simultaneously by [*insert time and date*].
- j. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- k. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- l. [The expert shall respond to those questions by [*insert time and date*]].



- m. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- n. [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]*].

### **Other expert reports – tax report [for non-Schedule 1 cases]**

#### ***Order to one party to instruct an expert [where expert has been identified]***

43.

- a. The [applicant]/[respondent] shall instruct *[insert expert]* as an expert to provide a report, addressing the tax liabilities, if any, and date(s) for payment, which would arise whether in the UK or elsewhere in each of the following scenarios:
  - i. the disposal by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]*;
  - ii. the transfer by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* to [the respondent] / [the applicant];
  - iii. the settling by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* on [the respondent]/[the applicant];
  - iv. the disposal by either party of any of their other assets, including the [applicant's]/[respondent's] offshore assets;
  - v. the transfer by either party of any of their other assets to the other, including the [applicant's]/[respondent's] offshore assets;
  - vi. the repatriation of any of the [applicant's]/[respondent's] offshore assets;
  - vii. the possible methods of mitigating the amount of tax due in any of the above scenarios, and the likely effects of such mitigation on the amounts of tax due;
  - viii. etc
- b. The letter of instruction shall be drafted by the [applicant]/[respondent] by *[insert time and date]*.
- c. The letter of instruction [and *[insert any other documents]*] 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 form) and served on the [applicant]/[respondent] by *[insert time and date]*.
- e. The [applicant]/[respondent] shall disclose the report to the [respondent]/[applicant] by *[insert time and date]*.
- f. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- g. The [applicant]/[respondent]/[both parties] shall provide the expert with any reasonable assistance requested in compiling the report, including providing any necessary information and documentation within a reasonable timeframe of the request.
- h. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].

- i. [The expert shall respond to those questions by *[insert time and date]*].
- j. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- k. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by *[insert time and date]*].

***Order to one party to instruct an expert [where expert has not been identified]***

44.

- a. The [applicant]/[respondent] shall instruct an [accountant] / [appropriate expert] to provide a report, addressing the tax liabilities, if any, and date(s) for payment, which would arise whether in the UK or elsewhere in each of the following scenarios:
  - i. the disposal by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]*;
  - ii. the transfer by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* to [the respondent] / [the applicant];
  - iii. the settling by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* on [the respondent]/[the applicant];
  - iv. the disposal by either party of any of their other assets, including the [applicant's]/[respondent's] offshore assets;
  - v. the transfer by either party of any of their other assets to the other, including the [applicant's]/[respondent's] offshore assets;
  - vi. the repatriation of any of the [applicant's]/[respondent's] offshore assets;
  - vii. the possible methods of mitigating the amount of tax due in any of the above scenarios, and the likely effects of such mitigation on the amounts of tax due;
  - viii. etc
- b. The letter of instruction shall be drafted by the [applicant]/[respondent] by *[insert time and date]*.
- c. The letter of instruction [and *[insert any other documents]*] 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 form) and served on the [applicant]/[respondent] by *[insert time and date]*.
- e. The [applicant]/[respondent] shall disclose the report to the [respondent]/[applicant] by *[insert time and date]*.
- f. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- g. The [applicant]/[respondent]/[both parties] shall provide the expert with any reasonable assistance requested in compiling the report, including providing any necessary information and documentation within a reasonable timeframe of the request.
- h. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].

- i. [The expert shall respond to those questions by *[insert time and date]*].
- j. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- k. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by *[insert time and date]*].

***Order for individually instructed experts to exchange reports/meet***

45.

- a. [The applicant]/[the respondent]/[the parties] shall [each] disclose [his]/[her]/[their] expert's [valuation report]/[market appraisal to [the respondent's]/[the applicant's]/[the other's] expert by *[insert time and date]*.
- b. There shall be a meeting between the [applicant's]/[respondent's] expert and [respondent's]/[applicant's] expert by *[insert time and date]* to discuss:
  - i. the reasons for disagreement on any expert question and what, if any, action needs to be taken to resolve any outstanding disagreement or question;
  - ii. what existing evidence or additional evidence needs to be obtained to assist the Court to determine the issues;
  - iii. etc.

At least five business days prior to this meeting, *[insert nominated professional in accordance with FPR PD 25E, para 3.1]* shall formulate an agenda including a list of questions for consideration at the meeting, and at least two business days prior to this meeting, *[insert nominated professional in accordance with FPR PD 25E, para 3.1]* shall send the agenda to both experts].

- c. A statement of agreement and disagreement shall be prepared by the experts following their meeting and shall be served on both parties not later than 5 business days after the meeting has taken place.
- d. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by *[insert time and date]*].

***Order to instruct a single joint expert [where expert has been identified]***

46.

- a. The parties shall jointly instruct *[insert accountant]* as a single joint expert to provide a report, in accordance with the attached letter of instruction, addressing the tax liabilities, if any, and date(s) for payment, which would arise whether in the UK or elsewhere in each of the following scenarios:

- i. the disposal by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property] / [[his]/[her] interest in *[insert property]*];
  - ii. the transfer by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property to the other] / [of [his]/[her] interest in *[insert property]* to [the respondent]/[the applicant]];
  - iii. the settling by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* on [the respondent]/[the applicant];
  - iv. the disposal by either party of any of their other assets, including the [applicant's]/[respondent's] offshore assets;
  - v. the transfer by either party of any of their other assets to the other, including the [applicant's]/[respondent's] offshore assets;
  - vi. the repatriation of any of the [applicant's]/[respondent's] offshore assets;
  - vii. the possible methods of mitigating the amount of tax due in any of the above scenarios, and the likely effects of such mitigation on the amounts of tax due;
  - viii. etc
- b. The letter of instruction [and *[insert any other documents]*] shall be sent to the expert by *[insert time and date]*.
  - c. 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]*.
  - d. The costs charged by the expert for preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.
  - e. The [applicant]/[respondent]/[both parties] shall provide the expert with any reasonable assistance requested in compiling the report, including providing any necessary information and documentation within a reasonable timeframe of the request.
  - f. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
  - g. [The expert shall respond to those questions by *[insert time and date]*].
  - h. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
  - i. [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]*].

OR

- a. The parties shall jointly instruct *[insert accountant]* as a single joint expert to provide a report, addressing the tax liabilities, if any, and date(s) for payment, which would arise whether in the UK or elsewhere in each of the following scenarios:
  - i. the disposal by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property] / [[his]/[her] interest in *[insert property]*];
  - ii. the transfer by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property to the other] / [of [his]/[her] interest in *[insert property]* to [the respondent]/[the applicant]];

- iii. the settling by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* on [the respondent]/[the applicant];
  - iv. the disposal by either party of any of their other assets, including the [applicant's]/[respondent's] offshore assets;
  - v. the transfer by either party of any of their other assets to the other, including the [applicant's]/[respondent's] offshore assets;
  - vi. the repatriation of any of the [applicant's]/[respondent's] offshore assets; and
  - vii. the possible methods of mitigating the amount of tax due in any of the above scenarios, and the likely effects of such mitigation on the amounts of tax due.
- b. The letter of instruction shall be drafted by the [applicant]/[respondent] and agreed with the [respondent]/[applicant] by *[insert time and date]*, or determined by the court in default of agreement.
  - c. The letter of instruction [and *[insert any other documents]*] 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]*.
  - e. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
  - f. The [applicant]/[respondent]/[both parties] shall provide the expert with any reasonable assistance requested in compiling the report, including providing any necessary information and documentation within a reasonable timeframe of the request.
  - g. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
  - h. [The expert shall respond to those questions by *[insert time and date]*].
  - i. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
  - j. [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]*].

***Order to instruct a single joint expert [where expert has not been identified]***

47.

- a. The parties shall jointly instruct an [accountant] / [appropriate expert] to act as a single joint expert and to provide a report, addressing the tax liabilities, if any, and date(s) for payment, which would arise whether in the UK or elsewhere in each of the following scenarios:
  - i. the disposal by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property] / [[his]/[her] interest in *[insert property]*];
  - ii. the transfer by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property to the other] / [of [his]/[her] interest in *[insert property]* to [the respondent]/[the applicant]];
  - iii. the settling by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* on [the respondent]/[the applicant];

- iv. the disposal by either party of any of their other assets, including the [applicant's]/[respondent's] offshore assets;
  - v. the transfer by either party of any of their other assets to the other, including the [applicant's]/[respondent's] offshore assets;
  - vi. the repatriation of any of the [applicant's]/[respondent's] offshore assets; and
  - vii. the possible methods of mitigating the amount of tax due in any of the above scenarios, and the likely effects of such mitigation on the amounts of tax due
- b. The [applicant]/[respondent] shall provide the [respondent]/[applicant] with a list of three appropriate experts by *[insert date and time]*.
  - c. The [respondent]/[applicant] shall select one of the experts from the list by *[insert time and date]*.
  - d. The letter of instruction shall be drafted by the [applicant]/[respondent] and agreed with the [respondent]/[applicant] by *[insert time and date]*, or determined by the court in default of agreement.
  - e. The letter of instruction [and *[insert any other documents]*] shall be sent to the expert by *[insert time and date]*.
  - f. The report shall be sent to the court (in both hardcopy and electronic form) and served on the parties simultaneously by *[insert time and date]*.
  - g. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
  - h. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
  - i. [The expert shall respond to those questions by *[insert time and date]*].
  - j. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
  - k. [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]*].

### **Other expert reports – tax report [for Schedule 1 cases]**

#### ***Permission to one party to instruct an expert [where expert has been identified]***

48.

- a. The [applicant]/[respondent] has permission to instruct *[insert expert]* as an expert to provide a report, going to the following issue in these proceedings: *[insert]*.
- b. The question(s) which the report shall address shall be the tax liabilities, if any, and date(s) for payment, which would arise whether in the UK or elsewhere in each of the following scenarios:
  - i. the disposal by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]*;
  - ii. the transfer by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* to [the respondent] / [the applicant];
  - iii. the settling by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* on [the respondent]/[the applicant];

- iv. the possible methods of mitigating the amount of tax due in any of the above scenarios, and the likely effects of such mitigation on the amounts of tax due;
- v. etc
- c. The letter of instruction shall be drafted by the [applicant]/[respondent] by *[insert time and date]*.
- d. The letter of instruction [and *[insert any other documents]*] 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 form) and served on the [applicant]/[respondent] by *[insert time and date]*.
- f. The [applicant]/[respondent] shall disclose the report to the [respondent]/[applicant] by *[insert time and date]*.
- g. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- h. The [applicant]/[respondent]/[both parties] shall provide the expert with any reasonable assistance requested in compiling the report, including providing any necessary information and documentation within a reasonable timeframe of the request.
- i. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- j. [The expert shall respond to those questions by *[insert time and date]*].
- k. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- l. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by *[insert time and date]*].

***Permission to one party to instruct an expert [where expert has not been identified]***

49.

- a. The [applicant]/[respondent] has permission to instruct an [accountant] / [appropriate expert] to provide a report, going to the following issue in these proceedings: *[insert]*.
- b. The question(s) which the report shall address shall be the tax liabilities, if any, and date(s) for payment, which would arise whether in the UK or elsewhere in each of the following scenarios:
  - i. the disposal by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]*;
  - ii. the transfer by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* to [the respondent] / [the applicant];
  - iii. the settling by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* on [the respondent]/[the applicant];
  - iv. the possible methods of mitigating the amount of tax due in any of the above scenarios, and the likely effects of such mitigation on the amounts of tax due;

- v. etc
- c. The letter of instruction shall be drafted by the [applicant]/[respondent] by [insert time and date].
- d. The letter of instruction [and [insert any other documents]] 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 form) and served on the [applicant]/[respondent] by [insert time and date].
- f. The [applicant]/[respondent] shall disclose the report to the [respondent]/[applicant] by [insert time and date].
- g. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- h. The [applicant]/[respondent]/[both parties] shall provide the expert with any reasonable assistance requested in compiling the report, including providing any necessary information and documentation within a reasonable timeframe of the request.
- i. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- j. [The expert shall respond to those questions by [insert time and date]].
- k. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- l. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by [insert time and date]].

***Order for individually instructed experts to exchange reports/meet***

50.

- a. [The applicant]/[the respondent]/[the parties] shall [each] disclose [his]/[her]/[their] expert's [valuation report]/[market appraisal to [the respondent's]/[the applicant's]/[the other's] expert by [insert time and date].
- b. There shall be a meeting between the [applicant's]/[respondent's] expert and [respondent's]/[applicant's] expert by [insert time and date] to discuss:
  - i. the reasons for disagreement on any expert question and what, if any, action needs to be taken to resolve any outstanding disagreement or question;
  - ii. what existing evidence or additional evidence needs to be obtained to assist the Court to determine the issues;
  - iii. etc.

At least five business days prior to this meeting, [insert nominated professional in accordance with FPR PD 25E, para 3.1] shall formulate an agenda including a list of questions for consideration at the meeting, and at least two business days prior to this meeting, [insert nominated professional in accordance with FPR PD 25E, para 3.1] shall send the agenda to both experts].

- c. A statement of agreement and disagreement shall be prepared by the experts following their meeting and shall be served on both parties not later



than 5 business days after the meeting has taken place.

- d. [Save as is expressly ordered by the court, the [applicant's]/[respondent's] expert's/[both experts'] written report(s) shall be admissible without the attendance at court of the expert(s). However, [the applicant's expert]/[the respondent's expert]/[both experts] shall attend the final hearing to give oral evidence, unless agreement about the opinions given by the expert(s) is reached by *[insert time and date]*].

***Permission to instruct a single joint expert [where expert has been identified]***

51.

- a. The parties have permission to jointly instruct *[insert accountant]* as a single joint expert to provide a report, in accordance with the attached letter of instruction, going to the following issue in these proceedings: *[insert]*.
- b. The question(s) which the report shall address shall be the tax liabilities, if any, and date(s) for payment, which would arise whether in the UK or elsewhere in each of the following scenarios:
  - i. the disposal by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property] / [[his]/[her] interest in *[insert property]*];
  - ii. the transfer by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property to the other] / [of [his]/[her] interest in *[insert property]* to [the respondent]/[the applicant]];
  - iii. the settling by [the applicant]/[the respondent] of [his]/[her] interest in *[insert property]* on [the respondent]/[the applicant];
  - iv. the possible methods of mitigating the amount of tax due in any of the above scenarios, and the likely effects of such mitigation on the amounts of tax due;
  - v. etc
- c. The letter of instruction [and *[insert any other documents]*] 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]*.
- e. The costs charged by the expert for preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.
- f. The [applicant]/[respondent]/[both parties] shall provide the expert with any reasonable assistance requested in compiling the report, including providing any necessary information and documentation within a reasonable timeframe of the request.
- g. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- h. [The expert shall respond to those questions by *[insert time and date]*].
- i. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- j. [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]*].

OR

- a. The parties have permission to jointly instruct [*insert accountant*] as a single joint expert to provide a report, going to the following issue in these proceedings: [*insert*].
- b. The question(s) which the report shall address shall be the tax liabilities, if any, and date(s) for payment, which would arise whether in the UK or elsewhere in each of the following scenarios:
  - i. the disposal by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property] / [[his]/[her] interest in [*insert property*];
  - ii. the transfer by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property to the other] / [of [his]/[her] interest in [*insert property*] to [the respondent]/[the applicant]];
  - iii. the settling by [the applicant]/[the respondent] of [his]/[her] interest in [*insert property*] on [the respondent]/[the applicant];
  - iv. the possible methods of mitigating the amount of tax due in any of the above scenarios, and the likely effects of such mitigation on the amounts of tax due;
  - v. etc
- c. The letter of instruction shall be drafted by the [applicant]/[respondent] and agreed with the [respondent]/[applicant] by [*insert time and date*], or determined by the court in default of agreement.
- d. The letter of instruction [and [*insert any other documents*]] 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*].
- f. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- g. The [applicant]/[respondent]/[both parties] shall provide the expert with any reasonable assistance requested in compiling the report, including providing any necessary information and documentation within a reasonable timeframe of the request.
- h. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- i. [The expert shall respond to those questions by [*insert time and date*]].
- j. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- k. [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*]].

***Permission to instruct a single joint expert [where expert has not been identified]***

52.

- a. The parties have permission to jointly instruct an [accountant] / [appropriate expert] to act as a single joint expert and to provide a report, going to the following issue in these proceedings: [*insert*].

- b. The question(s) which the report shall address shall be the tax liabilities, if any, and date(s) for payment, which would arise whether in the UK or elsewhere in each of the following scenarios:
  - i. the disposal by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property] / [[his]/[her] interest in [*insert property*];
  - ii. the transfer by [either party]/[the applicant]/[the respondent] of [any of their interests in their real property to the other] / [of [his]/[her] interest in [*insert property*] to [the respondent]/[the applicant];
  - iii. the settling by [the applicant]/[the respondent] of [his]/[her] interest in [*insert property*] on [the respondent]/[the applicant];
  - iv. the possible methods of mitigating the amount of tax due in any of the above scenarios, and the likely effects of such mitigation on the amounts of tax due;
  - v. etc
- c. The [applicant]/[respondent] shall provide the [respondent]/[applicant] with a list of three appropriate experts by [*insert date and time*].
- d. The [respondent]/[applicant] shall select one of the experts from the list by [*insert time and date*].
- e. The letter of instruction shall be drafted by the [applicant]/[respondent] and agreed with the [respondent]/[applicant] by [*insert time and date*], or determined by the court in default of agreement.
- f. The letter of instruction [and [*insert any other documents*]] shall be sent to the expert by [*insert time and date*].
- g. The report shall be sent to the court (in both hardcopy and electronic form) and served on the parties simultaneously by [*insert time and date*].
- h. The costs charged by the expert for preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.
- i. The [applicant]/[respondent]/[both parties] shall provide the expert with any reasonable assistance requested in compiling the report, including providing any necessary information and documentation within a reasonable timeframe of the request.
- j. [Any questions shall be put to the expert by no later than 10 days after receipt of the report (in accordance with FPR 2010, rule 25.10)].
- k. [The expert shall respond to those questions by [*insert time and date*]].
- l. [The costs charged by the expert for answering those questions shall be met by the [applicant]/[respondent]/[parties equally]/[party raising them] in the first instance].
- m. [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*]].

**No other expert evidence without the court's permission**

- 53. Save as is expressly ordered by the court, no further expert evidence shall be admissible before the court.

### **Variation of settlement**

54.

- a. A copy of the applicant's application for variation of the [*insert*] marriage settlement [and a copy of [*insert other documents to be served*]] shall be served on the following beneficiaries under the settlement [*insert beneficiaries*] by [*insert time and date*].
- b. The beneficiaries have permission leave to send to the court and serve signed statements in answer or otherwise in response to the application [by [*insert time and date*]] / [within [*insert*] days after service on them].

### **Consolidation of proceedings**

55.

- a. The [applicant's] [and]/[or] [first respondent's]/[second respondent's] [respective] applications under [*insert statutes – e.g. the Matrimonial Causes Act 1973, Schedule 1 to the Children Act 1989, Trust of Land and Appointment of Trustee Act 1996*] are consolidated.
- b. The applicant's application under [*insert statute*] shall become the lead application, and the consolidated applications shall proceed under case number [*insert*].
- c. The [applicant]/[first respondent]/[second respondent] shall serve on the [first respondent]/[second respondent] etc copies of the following documents in relation to the [applicant's]/[first respondent's]/[second respondent's] application(s) under [*insert statutes – e.g. the Matrimonial Causes Act 1973, Schedule 1 to the Children Act 1989, Trust of Land and Appointment of Trustee Act 1996*]: [*insert documents*]

### **Intervener(s)**

56. [*Insert name*] is given permission to intervene in these proceedings.

### **Joinder of parties**

57. [*Insert name*] and [*insert name*] are joined as [second]/[third] [*etc as appropriate*] respondents to these proceedings.

### **Evidence to be served on intervener(s)/additional parties**

58. The [applicant's]/[respondent's] [solicitors] shall by [*insert time and date*] serve upon the [intervenor]/[second]/[third etc respondent] copies of the following documents:
- a. [*Insert*]

### **Evidence of intervener(s)/additional parties**

59. The parties shall identify the basis of the dispute between them by complying with the following directions:
- a. The [applicant]/[respondent]/[intervener]/[second respondent] shall by [*insert time and date*] send to the court and serve on the other parties points

of claim, [setting out [his]/[her]/[their] case as to [insert] fully] / [dealing with [insert] / limited to dealing with [insert]] by [insert date and time]].

- b. The [applicant]/[respondent]/[intervener]/[second respondent] shall by [insert time and date] send to the court and serve on the other parties [points of dispute]/[a defence], [setting out [his]/[her]/[their] case in reply by [insert time and date]].
- c. The [applicant]/[respondent]/[intervener]/[second respondent] shall by [insert time and date] send to the court and serve on the other parties any witness statements upon which [he]/[she]/[they] intend to rely.
- d. There be the following additional directions for disclosure: [insert].

### **Documents to be produced by trustees**

60. The [second] [third etc] 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];
  - 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];
  - h. ...

### **Preliminary issue hearing**

61. The issue of the [insert] interest in [insert] be listed for determination by way of a preliminary issue before a District Judge sitting at [insert] court at [insert] on [insert] with a time estimate of [insert].

### **Scott schedule**

62. The [applicant]/[respondent][parties] shall [each] 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 [purchase/inheritance/gift etc] with documentary evidence in support;
  - c. its current value with documentary evidence in support;
  - d. what order is sought and the justification for seeking it;
  - e. ...by [insert time and date].

63. [The parties shall send to the court and serve their schedules on each other by *[insert time and date]*] / [The [applicant]/[respondent] shall send to the court and serve on the [respondent]/[applicant] [his]/[her] schedule by *[insert time and date]*], and the [respondent]/[applicant] shall send to the court and serve on the [applicant]/[respondent] [his]/[her] response to the schedule by *[insert time and date]*].

#### **Permission to disclose order to CMS**

- 64.
- a. There be permission to the [applicant]/[respondent] under FPR 2010, rule 12.73(1)(b) to produce to the CMS a copy of the [respondent's]/[applicant's] [Form E]/[Form E1] and Replies to Questionnaire if so advised.
  - b. The [applicant]/[respondent] shall send the [respondent]/[applicant] a copy of any letter and supporting documentation sent to the CMS forthwith after sending it.

#### **Further hearing(s)**

65. The application shall be listed for a [mention hearing]/[further directions appointment]/[financial dispute resolution appointment]/[case management appointment]/[pre-trial review]/[final hearing] before *[insert name or level of judge]* at the *[insert court]* on *[insert date and time]* / [on the first open day after *[insert date]* [suitable to counsel for both parties] / [on a date to be fixed in consultation with counsel's clerks] with a time estimate of *[insert]*. [The parties and their legal advisors shall send to court their dates to avoid by *[insert time and date]*]. [The parties and their legal advisors 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 the issues].

#### **Adjournment**

66. This hearing is adjourned until *[insert time and date]* on the following terms [*set out directions to prevail*].

#### **Adjournment for settlement negotiations/mediation/arbitration/ private financial dispute resolution appointment**

67. This application is adjourned until *[insert time and date]* to enable the parties to attempt to resolve the matters in dispute by means of [negotiation]/[mediation (*details of mediator and start date could be inserted here if useful and available*)]/[arbitration (*insert details if available*)]/[a private financial dispute resolution appointment [arranged in front of *[insert]*]/[to be arranged in front of *[insert]*]/ [other]

*Note: if an adjournment for arbitration is made then give consideration to the available orders in the arbitration section.*

## **Evidence at the financial dispute resolution appointment**

68.

- a. The [applicant]/[respondent] shall prepare a bundle containing:
  - i. an [agreed] chronology;
  - ii. an [agreed] summary of the history of the case;
  - iii. an [agreed] summary of the issues to be determined;
  - iv. an [agreed] schedule of assets. 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;
  - v. [*list other documents to be included* – for example [all applications and orders made in these proceedings], [the parties’ narrative Forms E], [the parties’ narrative replies to questionnaire], [the parties’ etc narrative witness statements], [the expert reports].
- b. The bundle shall be agreed [if possible] by both parties. The [applicant]/[respondent] shall send the [respondent]/[applicant] a draft index for the bundle by [[*insert time and date*] / [not later than [*insert*] days before the financial dispute resolution appointment]], and the [respondent]/[applicant] shall send the [applicant]/[respondent] any comments on the index by [[*insert time and date*] / [not later than [*insert*] days before the financial dispute resolution appointment]].
- c. The bundle must be paginated and the documents shall be in chronological order within each section.
- d. The [applicant]/[respondent] shall send the bundle to the court by [[*insert time and date*] / [not later than [*insert*] days before the financial dispute resolution appointment]], and shall provide a copy of the bundle to the [respondent]/[applicant] by [[*insert time and date*] / [not later than [*insert*] days before the financial dispute resolution appointment]] provided that the [respondent]/[applicant] agrees to discharge [his]/[her] reasonable costs of photocopying the bundle. If [he]/[she] does not do so, the [applicant]/[respondent] shall provide an index for the bundle to the [respondent]/[applicant] by [[*insert time and date*] / [not later than [*insert*] days before the financial dispute resolution appointment]].

## **Evidence at final hearing**

69.

- a. Both parties shall attend the final hearing to give oral evidence.
- b. Any witness [swearing an affidavit]/[sending to the court and serving on the parties a witness statement] shall attend the final hearing to give oral evidence [unless their evidence is not disputed].
- c. The hearing shall not be before [District/Circuit/High Court] Judge [*insert*].
- d. The [applicant]/[respondent] shall prepare a bundle containing:
  - i. an [agreed] chronology;
  - ii. an [agreed] summary of the history of the case;
  - iii. an [agreed] summary of the issues to be determined;
  - iv. an [agreed] schedule of assets. 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;

- v. *[list other documents to be included* – for example [all applications and orders made in these proceedings], [the parties’ Forms E], [the parties’ Replies to Questionnaire], [the parties’ etc witness statements], [the expert reports].
- e. The bundle shall be agreed [if possible] by both parties. The [applicant]/[respondent] shall send the [respondent]/[applicant] a draft index for the bundle by [[*insert time and date*] / [not later than [*insert*] days before the final hearing]], and the [respondent]/[applicant] shall send the [applicant]/[respondent] any comments on the index by [[*insert time and date*] / [not later than [*insert*] days before the final hearing]].
- f. The bundle must be paginated and the documents shall be in chronological order within each section.
- g. The [applicant]/[respondent] shall send the bundle to court by [[*insert time and date*] / [not later than [*insert*] days before the final hearing]], and shall provide a copy of the bundle to the [respondent]/[applicant] by [[*insert time and date*] / [not later than [*insert*] days before the final hearing]] provided that the [respondent]/[applicant] agrees to discharge [his]/[her] reasonable costs of photocopying the bundle. If [he]/[she] does not do so, the [applicant]/[respondent] shall provide an index for the bundle to the [respondent]/[applicant] by [[*insert time and date*] / [not later than [*insert*] days before the final hearing]],

### **Costs Estimates**

70.

- a. [The [applicant]/[respondent]/[second respondent]/[third respondent] etc shall send to the court and serve on the other parties costs estimates in Form H not later than [*insert*] days before the [adjourned directions appointment]/[financial dispute resolution appointment]/[case management hearing]].
- b. [The [applicant]/[respondent]/[second respondent]/[third respondent] etc shall send to the court and serve on the other parties costs estimates in Form H1 not later than [*insert*] days before the final hearing].

### **Offers for financial dispute resolution appointment**

71.

- a. [The parties shall exchange without prejudice proposals for the resolution of the matters in dispute [by [*insert date and time*]]/[not later than [*insert*] days before the financial dispute resolution appointment].]
- b. [The [applicant]/[respondent] shall serve [his]/[her] without prejudice proposals for the resolution of the matters in dispute on the [respondent]/[applicant] by [*insert date and time*]/[not later than [*insert*] days before the financial dispute resolution appointment], and the [respondent]/[applicant] shall serve [his]/[her] without prejudice proposals on the [applicant]/[respondent] for the resolution of the matters in dispute in reply by [*insert date and time*]/[not later than [*insert*] days before the financial dispute resolution appointment].]
- c. The [applicant]/[respondent] shall send to the court a schedule of the without prejudice and open proposals made by each party for the resolution



of the matters in dispute by *[insert date and time]*/[not later than *[insert]* days before the financial dispute resolution appointment].

- d. The [applicant]/[respondent]/[both parties] may, if so advised, decline to send to the court and serve on the [respondent]/[applicant]/[other party] without prejudice proposals for the resolution of the matters in dispute. If [he]/[she] decides not to send to the court such proposals [he]/[she] shall notify the [respondent]/[applicant] by *[insert time and date]*/[not later than *[insert]* days before the financial dispute resolution appointment].

### **Offers for other hearings**

72.

- a. [The parties shall exchange open proposals for the resolution of the matters in dispute [by *[insert date and time]*]/[not later than *[insert]* days before the [adjourned directions appointment]/[case management hearing]/[final hearing].]
- b. [The [applicant]/[respondent] shall serve [his]/[her] open proposals for the resolution of the matters in dispute on the [respondent]/[applicant] [by *[insert date and time]*]/[not later than *[insert]* days before the [adjourned directions appointment]/[case management hearing]/[final hearing]], and the [respondent]/[applicant] shall serve [his]/[her] open proposals for the resolution of the matters in dispute in reply on the [applicant]/[respondent] [by *[insert date and time]*]/[not later than *[insert]* days before the [adjourned directions appointment]/[case management hearing]/[final hearing].]
- c. The [applicant]/[respondent] shall send to the court a schedule of the open proposals made by each party for the resolution of the matters in dispute [by *[insert date and time]*]/[not later than *[insert]* days before the [adjourned directions appointment]/[case management hearing]/[final hearing].]
- d. The [applicant]/[respondent]/[both parties] may, if so advised, decline to send to the court and serve on the [respondent]/[applicant]/[other party] open proposals for the resolution of the matters in dispute. If [he]/[she] decides not to send to the court such proposals [he]/[she] shall notify the [respondent]/[applicant]/[other party] [by *[insert time and date]*]/[not later than *[insert]* days before the [adjourned directions appointment]/[case management hearing]/[final hearing].]

### **Costs**

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

### **Costs – order against a publicly funded party**

74. The [applicant]/[respondent] shall pay [the [respondent's]/[applicant's] costs] / [[*insert %*] of the [respondent's]/[applicant's] costs], [summarily assessed at £*insert*] / [to be subject to detailed assessment in default of agreement between the parties], by [*insert time*] on [*insert date*], subject to there being a determination pursuant to section 11 of the Access to Justice Act 1999 that it is reasonable for the [applicant]/[respondent] to do so. [This order for costs shall not be enforced without the court's permission].

### **Delayed costs order**

75. The time for commencement of proceedings for the assessment of the costs under the Community Legal Services (Financial) Regulations 2000 shall not start until the date of completion of the [transfer]/[sale] of the [family home] / [property] referred to in paragraph [*insert*] of this order.

Dated