

**PRESIDENT’S GUIDANCE: Standard financial and enforcement orders
(addendum no. 2)**

On 30 November 2017 I issued President’s Guidance: Standard financial and enforcement orders [2018] Fam Law 89. On 22 January 2018 I issued President’s Guidance: Standard financial and enforcement orders (addendum) [2018] Fam Law 216 to correct a minor error affecting only a very few forms.

Since then I have received a handful of representations about some of the paragraphs in these orders. In the light of them I have decided to issue the following amendments.

Introductory Recital

In the introductory recital in Order 2.1 (Financial Remedy Order) at paragraph 22(g) the following wording appears:

All other claims of any nature which one may have against the other as a result of their marriage/civil partnership howsoever arising either in England and Wales or in any other jurisdiction

Representations made have suggested that it should be made clear that the words “as a result of their marriage/civil partnership” and “howsoever arising” are alternatives (for example, in a case where one spouse is employed by the other and may have an employment-related claim, it should be made clear in the order whether such claim is intended to be compromised in addition to marriage/civil partnership based claims). I accept these representations and this clause should therefore be amended to the following:

All other claims of any nature which one may have against the other [as a result of [their marriage] / [civil partnership]] / [howsoever arising] either in England and Wales or in any other jurisdiction

Determining Event Clause

A ‘determining event’ clause in the form below (or occasionally in very slightly different form):

the youngest surviving [of the] child[ren] of the family attaining the age of 18 years or ceasing [his] / [her] / [their] full-time [secondary] / [tertiary] education [to first degree level] [[including] / [excluding] a gap year], or ceasing to live permanently with the [applicant] / [respondent], whichever is the later

appears in the following orders:

- Order 2.1 (Financial Remedy Order) in paragraphs 56(b)(i), 57(b)(i), 59(c)(iii) and 83(b)(iii)
- Order 2.2 (Order under Children Act 1989, Schedule 1) in paragraphs 30(b)(i), 32(e)(ii), 53(b)(i), 54(b)(i), 55(b)(i), 56(b)(i), 58(d)(iii) and 80(a)

To avoid possible ambiguities arising from this wording, wherever the determining event clause appears in the Standard Orders, this clause should now be amended to the following:

[all the surviving children of the family] / [the surviving child of the family] attaining the age of 18 years or ceasing [his] / [her] / [their] full-time [secondary] / [tertiary] education [to first degree level] [[including] / [excluding] a gap year], whichever is the later, save that if prior to this [all the surviving children of the family] / [the surviving child of the family] [have][has] ceased to live permanently with the [applicant] / [respondent], the determining event shall arise upon such cessation

The zip file attached to this Guidance contains Orders 2.1 and 2.2 as amended by this update.

Issued by the President of the Family Division, 15 May 2018