
STATUTORY INSTRUMENTS

1997 No. 1056 (L.24)

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

The Family Proceedings (Amendment No. 2) Rules 1997

<i>Made</i>	- - - -	<i>24th March 1997</i>
<i>Laid before Parliament</i>		<i>24th March 1997</i>
<i>Coming into force</i>	- -	<i>21st April 1997</i>

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

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Family Proceedings (Amendment No. 2) Rules 1997 and shall come into force on 21st April 1997.

(2) The Family Proceedings Rules 1991(2) shall be amended in accordance with the following provisions of these Rules and, in those provisions, any reference to a rule or Appendix by number alone shall be construed as a reference to the rule or Appendix so numbered in the said Rules of 1991.

Hearsay evidence

2. Rule 2.28(1) shall be amended by substituting, for the words “the Civil Evidence Act 1968”, the words “the Civil Evidence Act 1995(3)”.

3. Rule 2.31 shall be revoked.

Ancillary Relief pilot scheme

4. After Rule 2.70 there shall be inserted the following new rules—

(1) 1984 c. 42; section 40 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 50 and the Civil Procedure Act 1997 (c. 12), Schedule 2, paragraph 3.
(2) S.I.1991/1247; the relevant amending instruments are noted in footnotes to provisions in the body of the instrument.
(3) 1995 c. 38.

“Ancillary relief procedure for specified courts: pilot scheme

2.71.—(1) The procedure under Rules 2.72 to 2.77 shall apply to any ancillary relief application and to any application under section 10(2) of the Act of 1973⁽⁴⁾ where notice of the application or notice of intention to proceed with the application for ancillary relief made in the petition or answer is filed in proceedings which are pending

- (i) in the principal registry,
- (ii) in one of the divorce county courts listed in paragraph (2), or
- (iii) in the High Court in a district registry which is mentioned in paragraph (2).

(2) The courts referred to in paragraph (1) are—

Barnsley
Bath
Blackwood
Bolton
Boston
Bow
Bristol
Bury
Crewe
Guildford
Harrogate
Hertford
Kingston
Maidstone
Northampton
Salford
Southampton
Southport
Stafford
Staines
Stoke-on-Trent
Taunton
Teesside
Trowbridge
Tunbridge
Wells
Willesden
Wrexham

(3) In proceedings to which the procedure under Rules 2.72 to 2.77 applies, these Rules shall apply with the following modifications:

(4) The Matrimonial Causes Act 1973 (c. 18).

- (a) Rules 2.45(2), (3), 2.58(2), (3), 2.59(1), 2.62(1), 2.62(3), (5), (6), 2.63 and 2.70(1) shall not apply;
- (b) Rule 2.55 shall apply with the omission of the words after “proceeding”;
- (c) Rule 2.58(1) shall apply subject to Rules 2.72 to 2.77;
- (d) Rule 2.60(1) shall apply
 - (i) with the omission of the words from “A person” to “opposite party and”, and
 - (ii) with the substitution, for the words “within seven days of service of the affidavit on him”, of the words “within eight days of service of the notice on him”;
- (e) in Rules 2.60(1) and 2.66(4), for “Rule 2.62(5)” there shall be substituted “Rule 2.74(3)”;
- (f) references to
 - (i) Form M11 or M13,
 - (ii) M12, or
 - (iii) M14(either alone or in conjunction with a rule) shall be construed as references to Form A, B or F respectively in Appendix 1A to these Rules and those forms shall be used with such variation as the circumstances of the particular case may require instead of Form M11, M12, M13 or M14.

References in these Rules to a rule which is modified by this rule shall be read as a reference to the rule as so modified.

- (4) The procedure under Rules 2.72 to 2.77 shall apply to
 - (a) proceedings to which the President’s Practice Direction of 25th July 1996 applied which were commenced before Rules 2.72 to 2.77 came into force and steps taken under that Direction shall be treated as if they had been taken under Rules 2.72 to 2.77;
 - (b) proceedings which are transferred to the principal registry or to one of the courts listed in paragraph (2) subject to any directions given by the court to which the proceedings are transferred.
- (5) Where proceedings to which the procedure under Rules 2.72 to 2.77 applied are transferred to a court which is not listed in paragraph (2), steps taken under those rules shall, so far as practicable and subject to any directions given by the court to which the proceedings are transferred, be treated as if those rules had not come into force.

Ancillary relief procedure

- (a) **2.72.** (1) A notice of intention to proceed with an application for ancillary relief made in the petition or answer; or
- (b) an application for ancillary relief;

shall be made by notice in Form A in Appendix 1A.

(2) Where an order for ancillary relief is sought that includes provision to be made by virtue of section 25B or 25C of the Act of 1973⁽⁵⁾ the terms of the order sought must be specified in the notice in Form A in Appendix 1A.

(5) 1973 c. 18; sections 25C and 25D were inserted by the Pensions Act 1995 (c. 26), section 166(1).

(3) An application to which Rule 2.45 applies shall be made by notice in Form B in Appendix 1A.

(4) Upon the filing of a notice in Form A or Form B—

- (a) the court shall allocate a first appointment not less than 10 weeks and not later than 14 weeks after the date of the filing of the notice and give notice of that date;
- (b) the person making the application (“the applicant”) shall serve a copy on the respondent to the application (“the respondent”) within 4 days of the date of the filing of the notice.

(5) The date fixed under paragraph (4) for the first appointment, or for any subsequent appointment, shall not be vacated except with the leave of the court and, where such a date is vacated, the court shall forthwith fix a fresh date.

Notice in Form E

2.73.—(1) Not less than 35 days before the date of the first appointment the applicant and respondent shall simultaneously exchange with the other party and each file with the court a statement in Form E in Appendix 1A which

- (a) is signed by him;
- (b) is sworn to be true, and
- (c) contains the information set out in paragraph (2).

(2) The information referred to in paragraph (1) is—

- (a) the party’s full name, age, date of birth and occupation;
- (b) the party’s state of health;
- (c) the dates of marriage and separation of the parties;
- (d) the full names and dates of birth of any children of the family, and the name and address of the person with whom they live;
- (e) details of the party’s present residence and the occupants thereof;
- (f) a concise statement of the party’s means including
 - (i) his income and earning capacity,
 - (ii) the value of all his assets and liabilities,
 - (iii) the benefits under any pension scheme that he has or is likely to have with the most recent valuation (if any) furnished by the trustees or managers of the pension scheme pursuant to regulation 5 of, and Schedule 2 to, the Occupational Pension Schemes (Disclosure of Information) Regulations 1996⁽⁶⁾, or paragraph 2(b) of Schedule 2 to the Personal Pension Schemes (Disclosure of Information) Regulations 1987⁽⁷⁾, or regulation 4 of the Divorce etc. (Pensions) Regulations 1996⁽⁸⁾; and
 - (iv) any other resources (including any resources that he may receive in the foreseeable future such as by way of inheritance), and, where an insurance policy is included, its current surrender value and date of maturity;
- (g) a concise statement of any loss of widow’s or widower’s pension that would be suffered by either party following a divorce;

⁽⁶⁾ S.I. 1996/1655.

⁽⁷⁾ S.I. 1987/1110.

⁽⁸⁾ S.I. 1996/1676.

- (h) a concise statement of the present and future reasonable needs of himself and any children of the family;
- (i) details of the present and proposed educational arrangements for any children of the family;
- (j) details of any child support maintenance assessment made by the Child Support Agency, or of any agreement for child maintenance made between the parties;
- (k) a brief description of the standard of living enjoyed by the parties during the marriage;
- (l) whether either party has made a relevant contribution (within the meaning of section 25(2)(f) of the Act of 1973) and, if so, a concise statement of that contribution;
- (m) whether the other party's conduct (financial or otherwise) during the marriage is considered to be relevant, and if so, a concise statement of the issues of conduct relied on;
- (n) any other circumstances which he considers could significantly affect the extent of financial provision to be made for the applicant or any child of the family.

The statement shall annex only such documents as are necessary to explain or clarify any of the above information.

(3) After the filing of the application for ancillary relief but before the first appointment, no discovery of documents shall be sought or given except

- (a) insofar as documents have been annexed to the statement filed under paragraph (1); or
- (b) in accordance with paragraph (4) below.

(4) Not later than 7 days before the hearing of the first appointment, each party shall file and serve on the other party—

- (a) a questionnaire setting out any further information sought from the other party;
- (b) a schedule setting out any documents sought from the other party;
- (c) a concise statement of the issues between the parties;
- (d) where an order for ancillary relief is sought that includes provision to be made by virtue of section 25B or 25C of the Act of 1973, confirmation that the trustees or managers of the pension scheme in question have been served and provided with the specified information in accordance with Rule 2.70(4),

and the party who served the notice in Form A in Appendix 1A shall confirm that all relevant persons have been served in accordance with rule 2.59(3) and (4).

The First Appointment

2.74.—(1) The first appointment shall be conducted with the objective of defining the issues and saving costs and the district judge

- (a) shall determine
 - (i) the extent to which any questionnaire filed under Rule 2.73 shall be answered, and
 - (ii) what documents requested under Rule 2.73 shall be produced, and give directions for the production of such further documents as may be necessary;
- (b) shall give directions as to

- (i) the valuation of assets (including, where practicable, the joint instruction of independent experts) and
 - (ii) obtaining and exchanging experts' evidence (including the holding of meetings of experts);
 - (iii) any evidence sought to be adduced by each party and as to any chronologies or schedules to be filed by each party;
 - (c) shall (unless he decides that a referral is not appropriate in the circumstances) direct that the case be referred to a Financial Dispute Resolution ("FDR") appointment;
 - (d) shall, where he decides that a referral to a FDR appointment is not appropriate, direct that
 - (i) a further directions appointment be fixed; or
 - (ii) an appointment be fixed for the making of an interim order;
 - (iii) the case be fixed for final hearing and, where such a direction is given, the district judge shall determine the level of judge before whom the case should be heard; or
 - (iv) the case be adjourned for out-of-court mediation or private negotiation or in exceptional circumstances generally;
 - (e) shall consider whether, having regard to all the circumstances (including the extent to which each party has adhered to the rules), to make an order as to the costs of the hearing;
 - (f) may
 - (i) in a case of urgency, make an interim order;
 - (ii) with the consent of both parties, treat the appointment (or part of it) as a FDR appointment to which Rule 2.75 applies;
 - (iii) in a case where an order for ancillary relief is sought that includes provision to be made by virtue of section 25B or 25C of the Act of 1973, require any party to request a valuation under regulation 4 of the Divorce etc. (Pensions) Regulations 1996 from the trustees or managers of any pension scheme under which the party has, or is likely to have, any benefits.
- (2) After the first appointment, no party shall be entitled to seek further discovery of documents except in accordance with directions given under paragraph (1)(a) above or with the leave of the court.
- (3) At any stage—
- (a) a party may apply for further directions or a FDR appointment;
 - (b) the court may give further directions or direct that the parties attend a FDR appointment.
- (4) Both parties shall personally attend the appointment unless the court otherwise orders.

The FDR Appointment

2.75.—(1) The FDR appointment shall be treated as a meeting held for the purposes of conciliation and the following provisions shall apply—

- (a) the district judge (or judge) hearing the appointment shall have no further involvement with the application, other than to conduct any further FDR appointment;
 - (b) not later than 7 days before the appointment the applicant shall file details of all such offers and proposals and responses to them and, at the conclusion of the appointment, any documents containing the same or referring thereto shall be returned to the applicant or respondent (as the case may be) and not retained on the court file;
 - (c) parties attending the appointment shall use their best endeavours to reach agreement on relevant matters in issue between them;
 - (d) the appointment may be adjourned from time to time, and at the conclusion thereof the court may make such consent order as may be appropriate, but otherwise shall give directions for the future course of the proceedings, including, where appropriate, fixing a final hearing date.
- (2) Both parties shall personally attend the appointment unless the court otherwise orders.

Costs

2.76. At every court hearing each party shall produce to the court a written estimate of the solicitor and own client costs incurred up to the date of that hearing.

Orders

2.77.—(1) Not less than 14 days before the date fixed for the final hearing of an application for ancillary relief, the applicant shall (unless the court directs otherwise) file and serve on the other party to the application an open statement which sets out concisely the nature and amount of the orders which he proposes to invite the court to make.

(2) Not more than 7 days after service of a statement under paragraph (1) above, the respondent shall file and serve on the applicant an open statement which sets out concisely the nature and amount of the orders which he proposes to invite the court to make.”.

5. After Appendix 1 there shall be inserted, as Appendix 1A, Forms A, B, C, D and E in the Schedule to these Rules.

Miscellaneous amendments

6. The definition of “proper officer” in Rule 1.2(1)(9) shall be amended

- (a) by substituting, for the words “chief clerk of the family proceedings department”, the words “family proceedings department manager”;
- (b) by substituting, for the words “chief clerk”, the words “court manager”.

7. Rules 3.13(4) and 7.7(2)(10) shall be amended by substituting, for the words “chief clerk of the family proceedings department”, the words “family proceedings department manager”.

8. Rule 4.23 shall be amended by inserting, after paragraph (2), the following new paragraph—
“(3) Nothing in this rule shall prevent the disclosure of a document prepared by a guardian ad litem for the purpose of—

(9) Rule 1.2 has been amended by S.I. 1992/2067 and 1993/295.

(10) Rule 7.7 has been amended by S.I. 1994/2890.

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- (a) enabling a person to perform functions required by regulations made under section 41(7);
- (b) assisting a guardian ad litem or a reporting officer (within the meaning of section 65(1)(b) of the Adoption Act 1976⁽¹¹⁾) who is appointed under any enactment to perform his functions.”.

*Mackay of Clashfern, C.,
Stephen Brown, P.,
Gerald Angel,
Susan P Darwell-Smith,
M B Roddy*

Dated 24th March 1997

⁽¹¹⁾ 1976 c. 36.

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SCHEDULE

Rule 5

“APPENDIX 1A

In the	County Court	
	No. of matter	
Between	Petitioner	Solicitor's reference
and	Respondent	Solicitor's reference

Notice of [Intention to Proceed with] an Application for Ancillary Relief

Take Notice that

the [Petitioner] [Respondent] intends
[to apply to the Court for
[to proceed with the application in
the [petition] [answer] for

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

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

Signed:

Date:

[Solicitor for the] [Petitioner] [Respondent]

Address all communications to the Chief Clerk and quote the above case number. If you do not quote this number, your correspondence may be returned.
The court office at

is open from 10a.m. to 4p.m. on Mondays to Fridays only.

Form A

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

In the	County Court	
	No. of matter	
Between	Petitioner	Solicitor's reference
and	Respondent	Solicitor's reference

Notice of an application under Rule 2.45

Take Notice that

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

Signed: _____

Date: _____

[Solicitor for the Respondent]

Address all communications to the Chief Clerk and quote the above case number. If you do not quote this number, your correspondence may be returned.
The court office at

is open from 10a.m. to 4p.m. on Mondays to Fridays only.

Form B

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In the	County Court	
	No. of matter	
Between	Petitioner	Solicitor's reference
and	Respondent	Solicitor's reference

Notice of a First Appointment

Take Notice that

the First Appointment will be heard by
the district judge in chambers at

on

at [a.m.][p.m.]

The probable length of the hearing is:

You, and your legal representative if you have one, must attend this appointment

Not later than 35 days before this appointment you must file with the Court a statement which gives full details of your property and income. You must sign and swear the statement. At the same time you must send a copy of the statement to the [legal representative of the] other party.

You must use the standard form of statement, Form E, which you may obtain from the court office.

Not later than 7 days before this appointment you must send to the Court and to the [legal representative of the] other party:

- a questionnaire setting out the further information you require from the other party
- a schedule setting out the documents you require from the other party
- a concise statement of the apparent issues between yourself and the other party.

At the appointment you must provide the Court with a written estimate of any legal costs which you have incurred.

Address all communications to the Chief Clerk and quote the above case number. If you do not quote this number, your correspondence may be returned.
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Form C

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In the		County Court
		No. of matter
Between	Petitioner Solicitor's reference
and	Respondent Solicitor's reference

Notice of a Financial Dispute Resolution Appointment

Take Notice that

an appointment for a Financial Dispute Resolution will take place at

on

at [a.m.] [p.m.]

The probable length of the hearing is:

Notice to the Petitioner and Respondent

Before the appointment

Not later than 7 days before the appointment the [Petitioner] [Respondent] must provide the Court with details of all offers, proposals and responses concerning the application.

At the appointment

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

Address all communications to the Chief Clerk and quote the above case number. If you do not quote this number, your correspondence may be returned.
The court office at

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Form D

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In the		County Court
		No. of matter
Between	Petitioner	Solicitor's reference
and	Respondent	Solicitor's reference

Notice of allegation in proceedings for ancillary relief

Take Notice that

This statement has been filed in proceedings for ancillary relief which are as follows:

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

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

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

Signed:

Date:

[Solicitor for the Respondent]

Address all communications to the Chief Clerk and quote the above case number. If you do not quote this number, your correspondence may be returned.

The court office at

is open from 10a.m. to 4p.m. on Mondays to Fridays only.

Form F

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Case No	County Court
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Between	Petitioner	Solicitor's ref.
and	Respondent	Solicitor's ref.

Financial Statement

Please fill in this form fully and accurately. You have a duty to the court to give a full, frank and clear disclosure of all your financial and other relevant circumstances.

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

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

You may annex documents to the form only where they are specifically sought or are necessary to explain or clarify any of the information that you give.

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

I,

the above named [Petitioner] [Respondent]

of

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

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1 General Information									
a) Full name									
b) Date of Birth	Day	Month	Year						
c) Occupation									
d) Date of the marriage	Day	Month	Year						
e) Date of the separation	Day	Month	Year						
f) Date of the	Petition			Decree nisi			Decree absolute (if applicable)		
	Day	Month	Year	Day	Month	Year	Day	Month	Year
g) If you have remarried, or will remarry, the date of the remarriage (or any intended remarriage)	Day	Month	Year						
h) Details of any children of the family	Full names			Date of birth			With whom does the child live?		
				Day	Month	Year			
i) Give details of the state of health of yourself and the children	Yourself			Children					

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1 General Information (continued)

<p>j) Give details of the present and proposed future educational arrangements for the children</p>	<p><i>Present arrangements</i></p>	<p><i>Future arrangements</i></p>
<p>k) Give details, including date, of any child support assessments made in relation to any of the children, or of child maintenance orders in force in relation to them, and annex copies of the assessments or orders to this statement</p>		
<p>l) If this application is to vary an order, give details of the order that is to be varied or, if possible, attach a copy of the order. Give your reasons for asking for the order to be varied</p>		
<p>m) Give details of any other litigation between you and your husband/wife, whether in relation to money, property, children, or otherwise</p>		
<p>n) Specify your present residence and the occupants of it</p>	<p><i>Address</i></p>	<p><i>Occupants</i></p>

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2 Financial details					
Capital: Realisable Assets					
a) Set out below details of your interest in the matrimonial home. Give Land Registry Title number if known or applicable.					
Property name and address			Land Reg. Title No	Nature and extent of your interest	Property value
Mortgagee Name and address			Type of mortgage (if any)	Balance outstanding on any mortgage	Total current value of your interest (A)
b) Set out below details of all other properties, land, and buildings in which you have an interest. Give the Land Registry Title number if known or applicable.					
Property name and address			Land Reg. Title No	Nature and extent of your interest	Property value
Mortgagee Name and address			Type of mortgage (if any)	Balance outstanding on any mortgage	Total current value of your interest
TOTAL value of ALL your other property interests (do not include value of your interest in A above) (B1)					
c) Set out below details of all bank, building society and National Savings accounts which you hold or have an interest in. Include TESSAs. For joint accounts, give your interest and the name of the other account holder.					
Name of bank or building society including Branch name	Type of account (e.g. current)	Account number	Name of other account holder (if applicable)	Balance at the date of this Statement	Total current value of your interest (if known)
TOTAL value of your interests in ALL accounts (B2)					

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2 Financial details (continued)
Capital: Realisable Assets (continued)

d) Set out below details of all stocks, shares, gilts and other quoted securities which you hold or have an interest in. Include PEPs. (Do not include dividend income as this will be dealt with separately later on.)

Name of holding	Type of holding	Current value	Total current value of your interest (if known)
TOTAL value of your interest in ALL holdings			(B3)

e) Set out below details of all insurance policies which you hold or have an interest in.

Policy details including name of company, policy type and number.	Maturity date			Value		Total current value of your interest (if known)
	Day	Month	Year	Maturity	Surrender	
TOTAL value of your interest in ALL policies						(B4)

f) Set out below details of all issues of National Savings Certificates which you hold or have an interest in.

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

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2 Financial details (continued)
Capital: Realisable Assets (continued)

g) Set out below details of all National Savings bonds (including premium bonds) and other bonds that you hold or have an interest in.

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

h) Set out below details of all debts which are OWED TO YOU. Include sums owed in director's or partnership accounts.

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

i) Set out below details of all cash held. You must state where it is held and the currency it is held in.

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

j) Set out below details of chattels (personal belongings) individually worth more than £500. Include cars, collections, pictures and jewellery.

Item	Sale value	Total current value of your interest (if known)
TOTAL value of your interest in ALL chattels		(B9)

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2 Financial details (continued)

Capital: Realisable Assets (continued)

k) Set out below details of any other realisable assets such as unit trusts, investment trusts, commodities, futures or the like.

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

Now add together all the figures in the previous totals boxes (B1 to B10) to give:
Total current value of your interest in the other realisable assets (B) £

Capital: Liabilities

l) Set out below details of any liabilities you have. Exclude mortgages on property dealt with above. Include money owed on credit cards and store cards, bank loans and hire purchase agreements.

Liability	Current amount	Total current value of your liability
TOTAL value of ALL your liabilities (C1)		

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2 Financial details (continued)

Capital: Potential liabilities

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

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

Now add together C1 + C2 to give: Total current value of your liabilities and potential liabilities (C)	£
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Now take the liabilities total from the realisable assets total (A+B-C), to give: Total net value of your personal assets (D)	£
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Capital: Business assets

n) Set out below details of all your business interests.

Name and nature of your business	Your ESTIMATE of the current value of your interest	Your ESTIMATE of any possible Capital Gains Tax payable on disposal	Basis of valuation	Total net value of your interest
Total current value of your interest in business assets (E)				£

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2 Financial details (continued)		
Capital: Pensions (excluding State Pensions)		
<p>o) Set out below details of your pension interests. If you have been provided with a valuation of your pension rights by the trustees or managers of the pension scheme you must attach it. Where the information is not available, give the estimated date when it will be available and attach the letter to the pension company or administrators from whom the information was sought. If you have more than one pension plan or scheme, you must provide the information in respect of each one, continuing, if necessary, on a separate piece of paper. If you have made Additional Voluntary Contributions to any plan or scheme, you must give the information separately if the benefits referable to such contributions are separately recorded or paid.</p>		
Name and address of scheme, plan or policy		
Number of scheme, plan or policy		
Type of scheme, plan or policy (e.g. final salary, money purchase or other)		
Earliest date when benefit can be taken		
Bid or transfer value		
The lump sum payable on death before retirement		
The lump sum payable on death after retirement		
The lump sum payable on leaving active membership of the scheme but before retirement		
The estimated maximum lump payable on retirement (if known)		
Your estimated monthly pension on retirement (if known)		
Spouse's or dependant's pension payable on your death		
State whether such pension would be lost on divorce (delete that which is not applicable)	YES	NO
Total current value of your pension bid or transfer values	(F)	£

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2 Financial details (continued)		
Capital: Other assets		
<p>p) Give details of any other assets not listed above. Include the following:</p> <ul style="list-style-type: none"> • Illiquid assets. • Share option schemes, stating the estimated net sale proceeds of the shares if the options were capable of exercise now, and whether Capital Gains Tax would be payable. • Trust interests (including interests under a discretionary trust), stating your estimate of the value of the interest and when it is likely to become realisable. If you say it will never be realisable, or has no value, give your reasons. <p>Specify also any asset that is likely to be received in the foreseeable future, such as an inheritance.</p>		
Assets		
Type	Value	Total net value of your interest
TOTAL net value of ALL your other assets		(G)
Grand total of your net assets (D + E + F +G)		(H)
		£

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2 Financial details (continued)							
Income							
q) Earned income: Give details of your gross and net income in the last financial year, and in the current financial year.							
Nature of income <i>(e.g. salary, bonus)</i>	Last financial year		Current financial year				
	Gross	Net	Gross	Net			
r) Earned income: benefits, etc. Give details and the value of all benefits in kind, perks, or other remuneration not disclosed elsewhere, received in the last financial year and current financial year.							
Nature of income	Last financial year	Current financial year					
s) Self-employed or partnership income: Give details of annual net profit or loss for the last two accounting years, your share of this figure and tax paid to date of the last accounts and the estimate of income since that date. State the date on which your accounting year begins.							
Nature of income and date your accounting year begins	Details for the last two accounting periods						Estimate of net income SINCE date of last accounts
	Net profit/loss		Share of profit/loss		Tax paid		
	Yr 1	Yr 2	Yr 1	Yr 2	Year 1	Year 2	

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2 Financial details (continued)

Income (continued)

t) Investment income (e.g. dividends, interest)
Give details of net income received in the last financial year, and in the current financial year and indicate whether it was paid gross or net of income tax.

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

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

Nature of income	Income received in the last 52 weeks

v) Any other income
Give details of any other income received in the last 52 weeks.

Nature of income	Income for the last 52 weeks

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2 Financial details (continued)
Summaries

Summary of your income	Your estimate of your current annual net income from all sources	£
	Your estimate of your net income from all sources for the next 52 weeks (1)	£

		Reference of the section on this statement	Value
Summary of financial information	Net value of your interest in the matrimonial home	A	
	Current value of your other realisable assets	B	
	Your liabilities	C	
	Your business assets	E	
	Your pension values	F	
	Your other assets	G	
	Grand total of your net assets	H	
	Your estimated net income for the next 52 weeks	I	

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3 Requirements

Income needs

a) Set out below the reasonable future annual income needs of yourself and of any children living with you.

	Item	Amount
Income needs for yourself (e.g. rent, fuel, clothes, car, holidays, etc.)		
Income needs of child(ren) living with you		

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3 Requirements
Capital needs

b) Set out below the reasonable future capital needs of yourself and of any children living with you.

	Item	Cost
Capital needs for yourself (e.g. for housing, car etc.)		
Capital needs of child(ren) living with you		

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4 Other information

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

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

b) Specify briefly the standard of living enjoyed by you and your spouse during the marriage.

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

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4 Other information (continued)

d) Bad behaviour or conduct by the other party will only be taken into account when deciding how assets should be divided after divorce in very exceptional circumstances. If you feel it should be taken into account in your case, give details of the behaviour below.

e) Give details of any other circumstances which you consider could significantly affect the extent of the financial provision to be made for you or any child of the family (e.g. earning capacity, disability, inheritance prospects or redundancy, etc.).

5. Order sought

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

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5. Order sought (continued)

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

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

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

* Where sub-paragraphs c) or d) apply, you should seek legal advice before completing the sections.

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Sworn confirmation of the information

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

on

before me

A [solicitor] [commissioner for oaths] [Officer of a Court, appointed by the Judge to take affidavits]

Address all communications to the Chief Clerk of Court and quote the above case number. If you do not quote this number, your correspondence may be returned.

The court office at

is open from 10 a.m. to 4 p.m. on Monday to Friday only.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Rules so as—

- (a) to make consequential amendments following the enactment of the Civil Evidence Act 1995 (*rules 2 and 3*);
- (b) to introduce (in exercise of the powers conferred by paragraph 3 of Schedule 2 to the Civil Procedure Act 1997) a new procedure for applications for ancillary relief brought in certain specified courts (*rules 4 and 5*);
- (c) to reflect the change in name of chief clerk (*rules 5 and 6*); and
- (d) to relax for specified purposes the requirements for confidentiality in respect of the report of a guardian ad litem (*rule 7*).