

Status: This is the original version (as it was originally made).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

SCHEDULE 2

Rule 23(d), 3.1(4), 3.2(4) and 3.6(5)

Rule 3.1(4), 3.2(4) and 3.6(5)

Form M23A

NOTICE OF PROCEEDINGS AND ACKNOWLEDGEMENT OF SERVICE

IN THE HIGH COURT OF JUSTICE (FAMILY DIVISION)

(1) Delete as appropriate.

[IN THE [COUNTY COURT][DISTRICT REGISTRY]]
[IN THE PRINCIPAL REGISTRY OF THE FAMILY DIVISION]⁽¹⁾

No. of Matter:

Between (Applicant)

and (Respondent)

You should read carefully this Notice of Proceedings before answering the questions that follow.

NOTICE OF PROCEEDINGS

(2) Delete as appropriate.

TAKE NOTICE THAT an application—

[in case of a failure to provide reasonable maintenance]
[for alteration of a maintenance agreement during the lifetime of the parties]
[under section 17 of the Married Women's Property Act 1882]⁽²⁾

has been presented to the court. A sealed copy of the application and a copy of the applicant's affidavit in support are delivered with this notice.

1. You must complete the acknowledgement of service and send it so that it reaches the court **within 14 days** after you receive this notice. Delay in returning this form may add to the costs.

2. If you intend to instruct a solicitor to act for you, you should at once give him all the documents that have been served on you, so that he may send the acknowledgement to the Court on your behalf. If you do not intend to instruct a solicitor, you should give an address in the acknowledgement of service so that any documents affecting your interests which are sent to you will, in fact, reach you. This address should be your place of residence or, if you do not reside in England and Wales the address of a place in England and Wales to which documents may be sent to you. **Please make certain that you notify the court immediately if you change your address.**

3. **Where the application is for failure to provide reasonable maintenance** and you wish to challenge the jurisdiction of the court to hear the application, you must file in the court an affidavit setting out the grounds of your challenge. Where you do not wish to challenge the jurisdiction of the court (or where the court decides the question of jurisdiction in the applicant's favour) you must file an affidavit stating:

- whether the alleged failure is admitted or denied, and if denied the grounds on which you rely;
- any allegation which you wish to make against the applicant; and
- full particulars of your property and income, unless otherwise directed.

In either case the affidavit must be sent, together with a copy for the applicant, so as to reach the Court **within 14 days** after the time allowed for sending the acknowledgement of service (or, if you have unsuccessfully challenged the jurisdiction, within 14 days after the Court has decided that the necessary jurisdiction exists). If you include in your affidavit an allegation of adultery or of an improper association with a named person, the affidavit must be accompanied by an extra copy for service on that person.

4. **Where the application is for alteration of a maintenance agreement** and you wish to defend the application you must file an affidavit in answer to the application, setting out any grounds on which you intend to contest the application and containing full particulars of your property and income, and send the affidavit, together with a copy for the applicant, so as to reach the Court **within 14 days** after the time allowed for sending the acknowledgement of service, which is in turn 14 days after this notice is served on you.

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5. Where the application is made under Section 17 of the Married Women's Property Act 1882 and you wish to dispute the application made by the applicant you must file an affidavit in answer to the application, setting out any grounds on which you intend to rely. The affidavit, together with a copy for the applicant, should be sent so as to reach the Court within 14 days after the time allowed for sending the acknowledgement of service, which is in turn 14 days after this notice is served on you.

Dated this _____ day of _____ 20__

After completing the Acknowledgement of Service detach this part of the form and return it to the court.

ACKNOWLEDGEMENT OF SERVICE

IN THE HIGH COURT OF JUSTICE (FAMILY DIVISION)

(1) Delete as appropriate. [IN THE _____] [COUNTY COURT][DISTRICT REGISTRY][
[IN THE PRINCIPAL REGISTRY OF THE FAMILY DIVISION]]

No. of Matter: _____

Between _____ (Applicant)

and _____ (Respondent)

PLEASE COMPLETE THIS FORM IN BLACK INK

QUESTION	ANSWER
1. Have you received the originating summons/application and a copy of the supporting affidavit delivered with this form?	Date: Address:
2. On what date and at what address did you receive them?	
3. Are you the person named as the respondent in the originating summons/application? Only answer this question if the application is for failure to provide reasonable maintenance.	
4. Do you intend to challenge the jurisdiction of the court? If YES, you must follow the instructions at paragraph 3 of the Notice of proceedings.	
5. Do you intend to defend the case? If YES, follow the instructions at paragraph 3 or 4 or 5 of the Notice of Proceedings.	

Dated this _____ day of _____ 20__

Signed:

I am [We are] acting for the Respondent in this matter.

Signed:

Address for Service of documents:

Dated this _____ day of _____ 20__