

## ***Understanding the Ancillary Relief Procedure***

The procedure for ancillary relief (ie matrimonial financial matters) varies, dependant upon whether a division of financial assets is agreed between parties or whether the Court's assistance is required in resolving financial issues. Either way, we would advise it is essential to have the division of finances placed into a Court Order.

### ***Division by Agreement***

Where parties have agreed the division of financial assets these will be incorporated into a Court Order by Consent. A Consent Order is prepared by the parties' solicitors, approved between themselves and signed by the parties. This is then presented to the Court together with a brief schedule of financial information. If the Court approves this agreement, having regard to S.25 criteria (see our download "Finances on Divorce"), then this will be made into a formal Court Order.

### ***No Agreement***

If agreement cannot be reached between you and your husband/wife as to the division of the matrimonial assets, then as mentioned above, it may be necessary to make an application to the Court for what is called Ancillary Relief.

Once an application has been made to the Court a timetable will be laid down for both parties to adhere to. This will cover:

1. A date to file with the Court and serve upon the other party a Form E document. This is a form covering financial disclosure of all the parties' financial means.
2. A date to file with the Court and serve upon the other party the following documents:
  - a) A Questionnaire of all points of financial disclosure that are still required from the other party.
  - b) A Chronology of the marriage and separation.
  - c) A Statement of the financial issues between the parties.
3. A date for the First Appointment.

## **Court Attendances**

There are three main Court attendances:

1. *The First Appointment Hearing*  
This has the main objective of ascertaining the issues in dispute and setting directions as to how the matter is to proceed. The directions may include, for example, the filing of statements or disclosure of specific information.
2. *The Financial Dispute Resolution Hearing*  
This is the point at which most Ancillary Relief proceedings settle. All parties attend the District Judge's Chambers and discuss whether there are any outstanding issues. The Judge may at this hearing give an indication of what he believes will be the likely outcome should the matter proceed to final hearing. There is a strong emphasis on reaching an agreement at this hearing and the process allows for negotiations to take place with the guidance of the Court.
3. *The Final Hearing*  
The Judge will hear the evidence of both parties and make a decision as to how the matrimonial assets should be divided. The decision of the Judge will be noted in a Court Order and although the Judge is duty bound to consider the criteria set out above, he has a very wide discretion as to the Orders which he can make.

At any time after issuing an application, and prior to a Judge's decision at a final hearing, the parties may reach a settlement.

***If you require advice regarding your particular circumstances, please telephone us to speak to one of our specialists in this field.***

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***Or REQUEST A CALL BACK at a time convenient to you.***

### ***Important Information:***

*This article has been prepared for general guidance and information only as of November 2008.*

### ***Disclaimer***

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