**Financial Proceedings Directions Order**

In the Family Court Sitting at [Place]

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 Dependents) 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 x 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]

**The parties**

1. The applicant is XX

The respondent is YY

The second respondent is ZZ

Specify if any party acts by a litigation friend

**Definitions**

2. The family home shall mean etc

3.

**Recitals**

4. (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].

5. (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]

6. [It is recorded that the [applicant]/[respondent]/[parties] have attended a MIAM and have filed a completed Form FM1 dated [insert]] / [It is recorded that the [applicant]/[respondent]/[neither of the parties] has [not] attended a MIAM].

**Agreements**

7. (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).

8.

**Undertakings to the court**

9. (Record any undertakings given).

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

**10. Order to attend a MIAM and to file form FM1**

The [applicant]/[respondent] shall attend a Mediation Information and Assessment Meeting and shall file a completed Form FM1 by [insert time and date].

**11. Order to file and serve Form E / Form E1**

a. The [applicant]/[respondent] shall file and serve a signed copy of [his]/[her][Form E] / [Form E1] together with all relevant attachments and accompanying documents by [insert time and date].

b. A penal notice is attached to this paragraph.

**12. Order to file and serve first appointment documents**

The [applicant]/[respondent] shall file and serve:

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].

**13. Order to file and serve replies to questionnaire**

The [applicant]/[respondent]/[both parties] shall file and serve [his]/[her]/[their] respective replies to the other’s questionnaire and request for further documents[as amended] / [save for just exceptions] by [insert time and date].

**14. Order to file and serve schedule of deficiencies and supplemental questionnaire**

The [applicant]/[respondent] shall file and serve a schedule of deficiencies and supplemental questionnaire and request for further documents [if so advised] by [insert time and date].

**15. Order to file and serve replies to schedule of deficiencies and supplemental questionnaire**

The [applicant]/[respondent]/[both parties] shall file and serve [his]/[her]/[their] respective replies to the other’s schedule of deficiencies and supplemental questionnaire and request for further documents [as amended] / [save for just exceptions] by [insert time and date].

**16. Order to file and serve concise statement**

a. The [applicant]/[respondent]/[both parties] shall file and serve on [the respondent]/[the applicant]/[each other] 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] file and serve on the [applicant]/[respondent] a concise narrative statement in answer to that filed by the [applicant]/[respondent] [dealing with]/[limited to] the same issues by [insert time and date].

**17. Order to file and serve statement dealing with conduct**

a. In the event that the [applicant]/[respondent] continues to seek to run a conduct case, [he]/[she] shall file and serve 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 file and serve a statement in answer, if so advised, by [insert time and date].

**18. Permission regarding other evidence**

The [applicant]/[respondent] has permission to file and serve [evidence]/[a letter]/[a statement] from [insert] if so advised [dealing with [insert] / limited to dealing with [insert]] by [insert time and date].

**19. Evidence regarding mortgage raising capacity and housing needs**

a. Each party shall serve 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 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.

**20. Updating disclosure**

Each party shall serve 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.

**[Important note: paras 21 – 48 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 21 - 26 and 33 – 43 relate to non-Schedule 1 proceedings and paras 27 - 32**

**and 44 – 48 relate to Schedule 1 proceedings]**

**Valuation of land and real property**

**[For non-Schedule 1 Cases]**

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

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 filed (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 of preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

g. [[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]].

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

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 filed (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 of preparing the report shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

g. [[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]].

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

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. [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].

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

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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

c. The costs shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

d. [The expert 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]].

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]/[application] by [insert time and date].

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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

d. The costs shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

e. [The expert 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]].

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

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] 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 an expert 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]/[application] 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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

e. The costs shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

f. [The expert 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]].

**26. Other**

[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 FDR/ 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 FDR/ final hearing/as appropriate.]

**Valuation of land and real property**

[For Schedule 1 Cases]

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

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 knowledgably, 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 filed (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 of preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

h. [[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]].

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

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 knowledgably, 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 filed (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 of preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

h. [[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]].

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

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. [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].

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

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 Financial Proceedings Directions Order 8of 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 knowledgably, 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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

d. The costs shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

e. [The expert 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]].

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 knowledgably, prudently and without compulsion; and

ii. etc.

b. The letter of instruction shall be drafted by the [applicant]/[respondent] and agreed with the [respondent]/[application] 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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

e. The costs shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

f. [The expert 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]].

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

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 Financial Proceedings Directions Order 9expert] 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 knowledgably, 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 an expert 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]/[application] 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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

f. The costs shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

g. [The expert 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]].

**32. Other**

[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 FDR/ 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 FDR/ final hearing/as appropriate.]

**Other expert reports – pensions report**

[For non-Schedule 1 Cases]

**33. Pensions report**

The [pension provider]/[pension scheme] shall [complete, file and serve 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] Financial Proceedings Directions Order 1034. Order for one party to instruct an expert [where expert has been identified]

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 filed (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 of preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

g. [[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]].

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

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 filed (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 of preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

g. [[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]].

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

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. [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].

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

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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

d. The costs shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

e. [The expert 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]].

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]/[application] by [insert time and date].

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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

h. The costs shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

i. [The expert 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]].

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

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 an expert 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].

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 filed (in both hardcopy and electronic form) and served on the parties simultaneously by [insert time and date].

j. The costs shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

k. [The expert 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]].

**Other expert reports – tax report**

[For non-Schedule 1 Cases]

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

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 filed (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 of preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

g. [[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]].

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

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 filed (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 of preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

g. [[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]].

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

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. [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].

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

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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

d. The costs shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

e. [The expert 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]].

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

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]/[application] 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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

e. The costs shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

f. [The expert 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]].

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

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 an expert 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].

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 filed (in both hardcopy and electronic form) and served on the parties simultaneously by [insert time and date].

g. The costs shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

h. [The expert 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]].

**[For Schedule 1 Cases]**

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

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 filed (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 of preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

h. [[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]].

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

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 filed (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 of preparing the report shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

h. [[The applicant’s expert]/[the respondent’s expert]/[both experts] shall attend the Final Hearing to give oral evidence, unless agreement aboutthe opinions given by the expert(s) is reached by [insert time and date]].

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

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. [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].

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

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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

e. The costs shall be met by the [applicant]/ [respondent]/[parties equally] in the first instance.

f. [The expert 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]].

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]/[application] 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 filed (in both hardcopy and electronic format) and served on the parties simultaneously by [insert time and date].

f. The costs shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

g. [The expert 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]].

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

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 an expert 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].

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 filed (in both hardcopy and electronic form) and served on the parties simultaneously by [insert time and date].

h. The costs shall be met by the [applicant]/[respondent]/[parties equally] in the first instance.

i. [The expert 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]].

**49. Variation of settlement**

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 file 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].

**50. Intervener(s)**

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

**51. Joinder of parties**

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

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

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]

b.

**53. Evidence of intervener(s)/additional parties**

The [intervenor] / [second]/[third] respondent etc shall by [insert time and date] file and serve upon the [applicant]/[respondent][second respondent etc]:

a. detailed points of claim;

b. a statement;

c. etc

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

**54. Evidence of intervener(s)/additional parties**

The [applicant] [and]/[or] [the respondent] shall file and serve:

a. detailed points of [claim]/[dispute];

b. a statement;

c. etc

[setting out [his]/[her]/[their] case in reply by [insert time and date].

**55. Documents to be produced by trustees**

The [second] [third etc] respondent shall by [insert time and date] file and serve upon 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. …

**56. Preliminary issue hearing**

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].

**57. Scott schedule**

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].

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

**59. Further hearing(s)**

The application shall be listed for a further directions appointment/financial dispute resolution appointment/case management appointment/final hearing before a [District/Circuit/High Court] Judge at the [insert court] on [insert date] at [insert 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 file their dates to avoid by [insert time and date].

**60. Adjournment**

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

**61. Adjournment for settlement negotiations/mediation/arbitration/private FDR**

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 FDR 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.

**62. Evidence at final hearing**

a. Both parties shall attend the final hearing to give oral evidence.

b. Any witness [swearing an affidavit]/[filing and serving 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;

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]. The bundle must be agreed [if possible] by both parties. The bundle must be paginated and the documents shall be in chronological order within each section. The bundle must be filed at court by [insert time and date]/not later than [insert] days before the final hearing.

**63. Costs Estimates**

The [applicant]/[respondent]/[second]/[third] etc respondents as appropriate shall file 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/final hearing.

**64. Offers**

a. The parties shall exchange [without prejudice] / [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/financial dispute resolution appointment/case management hearing/final hearing.

b. The [applicant]/[respondent] shall serve [his]/[her] [without prejudice] / [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/financial dispute resolution appointment/case management hearing/final hearing, and the [respondent]/[applicant] shall serve [his]/ [her] [without prejudice] / [open] proposals for the resolution of the matters in dispute in reply by [insert date and time] / not later than [insert] days before the adjourned directions appointment/financial dispute resolution appointment/case management hearing/final hearing.

c. the [applicant]/[respondent] shall file a schedule of the [without prejudice]/ [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/financial dispute resolution appointment/case management hearing/final hearing.

d. the [applicant]/[respondent] may, if so advised, decline to file and serve [without prejudice] / [open] proposals for the resolution of the matters in dispute. If [he]/[she] decides not to file such proposals [he]/[she] shall notify the [respondent]/[applicant] by [insert time and date] / not later than [insert] days before the adjourned directions appointment/financial dispute resolution appointment/case management hearing/final hearing. The [respondent]/[applicant] may if so advised file open proposals by [insert time and date] / not later than [insert] days before the adjourned directions appointment/financial dispute resolution appointment/case management hearing/final hearing.

**Dated**

[Where undertakings have been given]

Notice pursuant to PD 33A para 1.4

You XX, and you YY, may be sent to prison for contempt of court if you break the promise that have been given to the court

Statements pursuant to PD 33A para 1.5

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

………

XX

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

………

Y