



# Form E: Financial statement for a financial order in Matrimonial and Civil Partnership Proceedings

## Guidance notes

Courts & Tribunals Service

Town Hall | Ross Road | Stanley | Falkland Islands | FIQQ 1ZZ

## Notes for Guidance

### About these notes

- They explain some of the terms used in Form E that may be unfamiliar to you.
- The most important notes are in **bold**. Please do not ignore them.
- There is also a checklist in Form E to tell you which documents you will need to attach to the form.

These notes are only a guide. If you need more help you should speak to a legal practitioner or citizens advice bureau.

**Please note, whilst court staff will help on procedural matters, they cannot offer any legal advice.**

## Introduction

If you (or your spouse or civil partner) apply to the court for a financial order or financial relief, both you and the other person **must fill** in a separate Form E.

The purpose of the form is to help you to provide the court with full details of your financial arrangements.

**You must send your filled-in Form E to the court and a copy to the other person, no later than 35 days before the date of the first appointment.** You can find the date of the first appointment on Notice of first appointment which the court will send you.

The court might make an order for costs against you if you do not follow the deadlines for filing Form E.

If you and the other person have agreed about the financial matters there is no need for either of you to fill in a Form E. You should hand your agreement (sometimes known as a consent application) to the court before the first appointment.

You should make sure that you attach any documents relevant to this application to Form E.

## 1 General Information

<b>Section 1.6</b>	The court can provide you with these dates if you are unsure. Please quote your case number when asking for details.
<b>Section 1.11</b>	You only need to provide details if you or your children are suffering from any form of physical or mental disability. The court does not need to know about minor ailments.
<b>Section 1.13</b>	You need to supply details of any orders, agreements or child support agency/child maintenance service assessments.
<b>Section 1.15</b>	You should give details of any other previous or current court cases between you and the other person. (it would also help the court if you provided brief details about the nature of these proceedings e.g. residence/contact in respect of children).

## 2 Financial Details

<b>Section 2.1</b>	<p>You need to tell the court if you own or part own the family home (or any other property) and how much you think it is currently worth.</p> <p>You can obtain your land information from the Registry Office/Land Registry. You should contact your mortgage company to find out about any outstanding balance on any mortgage.</p>
<b>Section 2.3</b>	Overdrawn bank accounts should be included in this section and not in section 2.9
<b>Section 2.10</b>	You should seek advice and information from your local tax office.
<b>Section 2.13</b>	<p>You will need to provide the court with details of all your pension rights, and any Pension Protection Fund compensation entitlement (whether current or prospective), including those relating to your present and/or a previous job and/or resulting from membership of a personal (i.e. privately arranged) pension scheme.</p> <p>If you have been provided with a valuation of your pension rights or benefits by the person responsible for your pension scheme you must attach a copy of it to Form E. You may only use a valuation if it will not be more than a year old at the date of the first appointment.) If you do not have this information, or the valuation you have will be more than a year old, you should write to the person responsible for your pension scheme and ask them to provide you with an up to date valuation. If the valuation is not available a copy of your letter requesting the valuation should be attached to Form E together with any reply from the pension scheme letting you know when this information will be available. If you have more than one pension plan or scheme you must provide this information for each one.</p>

	<p>The administrators of your scheme will be able to provide the information requested. It may help to send the administrator a copy of section 2.13 of Form E.</p> <p>If you have an occupational pension scheme your employer will be able to provide you with the name and address of your pension administrators.</p> <p>If you have a personal pension scheme (one that is privately arranged) you should contact the administrators directly.</p> <p>If you have any entitlement to PPF compensation you should get a valuation for each separate compensation entitlement from the PPF Board.</p>
<b>Section 2.14</b>	<p>'Unrealisable assets' are those which cannot be easily converted into cash.</p> <p>A legal practitioner will be able to advise you whether an asset is realisable or not. If in doubt, the asset should be mentioned in this section and the judge will decide.</p>
<b>Section 2.20 &amp; 2.21</b>	<p>This is a summary of the information you have provided previously in parts 1-10 of Form E. To complete it, you will need to refer back to each section again and only note the figure in the box with an alphabetical reference number next to it.</p>

### 3 Financial Requirements

<b>Section 3.1</b>	<p>In the box headed 'Income needs of yourself' you need to add the weekly, monthly or annual cost of each item. It should include, for example, finance payments where a car or household goods are being purchased on credit. If you run out of space when completing this section, please continue on a separate sheet of paper and attach to Form E, clearly numbering the section they refer to example 'section 2.3 cont'.</p>
<b>Section 3.2</b>	<p>You should also include in this section details of any items you hope to buy in the near future. For example, the reasonable cost of buying a new car or house.</p>

### 4 Other Information

<b>Section 4.2</b>	<p>The term 'standard of living' invites you to express your own view or opinion. Try to give details of the kind of lifestyle you and the family enjoyed during your marriage or civil partnership. For example, the number of holidays you took over the course of a year.</p>
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<b>Section 4.3</b>	The term 'contribution' does not refer solely to financial contributions and you can include the fact that you looked after the family home and cared for the family unit.
<b>Section 4.6</b>	If you have remarried or formed a civil partnership (or intend to) or are living with another person (or intend to) you will need to complete this section. It is important that the court making the decision has as complete a picture of the available finances as possible.

## 5 Order Sought

**You may want to seek legal advice to answer the questions in this part of Form E. You may be eligible for Legal Aid to assist with the costs of seeking legal advice.**

<b>Section 5.3</b>	An 'Avoidance of Disposition Order' is an order that the court can make to set aside or overturn a transaction that has already taken place (or that you believe is about to take place) for example, a sale or mortgage of land or other asset. You might consider this transaction to be a step intended by the other party to deprive you of the benefit of sharing in it, or may have the effect of reducing the assets available for distribution between you.
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## Schedule of Documents to Accompany Form E

Now that you have completed Form E please make sure that copies of the items listed in the checklist, relevant to your application are attached.

**You should not attach original documents but keep them available for inspection by the other party and the court.**

**If you are unable to attach any copy documents to Form E when you file it you must add a short note to Form E explaining why you were unable to attach the copy document.**

**Please note – any copy documents that you wish to attach to Form E will need to be verified as an exhibit or attachment to Form E.**

Statement of Truth of the information you have provided in Form E is true

**This section must be completed.** You have to confirm that the information you have provided is a full, frank, clear and accurate disclosure of your financial and other relevant circumstances.