

Form E

(Financial Statement in Ancillary Relief Proceedings)

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 checklist in Form E to tell you which documents you will need to attach to the form.

These notes are only a guide to help you complete Form E. If you require further help you should speak to a solicitor, Citizens Advice Bureau, legal advice centre or law centre. Public funding of your legal costs may be available from the Community Legal Service Fund.

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

Introduction

If you or your spouse/ civil partner apply to the court for a financial order, both you and the other person **must** complete a separate Form E. The purpose of the form is to enable you to provide the court with full details of your financial arrangements.

You must send your completed Form E to the court and a copy to the other party, no later than 35 days before the date of the First Appointment. The date of the First Appointment can be found on Form C (Notice of a first appointment) which will be sent to you by the court.

You should be aware that 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 complete a Form E. Your agreement (sometimes known as a consent application) should be submitted to the Court prior to the First Appointment.

You should ensure that any documents relevant to this application are attached to Form E.

I General Information

Section 1.6: The court can provide you with these dates if you are unsure. Please quote your case number when asking for details.

Section 1.11: You only need to provide details if you or your child(ren) are suffering from any form of physical or mental disability. The court does not need to know about minor ailments.

Section 1.13: You need to supply details of any Child Support Agency assessments, agreements or court orders in respect of child support.

Also, if an application has been made to the Child Support Agency but not decided let the court know the result of the application, when it has been decided. If you need help to complete this section you can contact the National Enquiry Line of the Child Support Agency (Telephone 0845 7133133).

Section 1.15: 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 the children.)

2 Financial Details

Section 2.1: 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.

Details of the Land Registry title number and of the balance outstanding on any mortgage can be obtained by contacting the company with whom you have your mortgage. You can also obtain your Land Registry Title number from HM Land Registry, Lincoln's Inn Fields, London, WC2A 3PH (Telephone 020 7917 8888).

Section 2.3: Overdrawn bank accounts should be included in this section and not in section 2.9.

Section 2.10: For further information about Capital Gains Tax you can contact the HM Revenue and Customs who produce a free booklet called "Capital Gains Tax - an introduction". (Reference number - CGT1). Telephone 0845 9000404. You may want to seek legal and/or financial advice to answer this question.

Section 2.13: You will need to provide the court with details of all your pension rights, 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.

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.

The administrators of your scheme will be able to provide the information requested. **It may help to send the administrators a copy of section 2.13 of Form E.**

If you have an occupational pension scheme your employer will be able to provide you with the name and address of your pension administrators.

If you have a personal pension scheme (i.e. privately arranged) you should contact the administrators directly. If you are unsure of the details of your pension scheme you can contact:

The Pensions Schemes Registry
PO Box INN
Newcastle Upon Tyne
NE99 INN

You can request a forecast of your potential state pension by filling in form BR19 (available from social security offices) and sending it to:

Benefits Agency
RFPA Unit
Pensions and Overseas Benefit Directorate
Newcastle Upon Tyne
NE98 IYX

Note: Please make certain that you provide the court with your National Insurance Number. If the Form E that you are using does not include a box for this, please write this information in below the 'Name and Address of your pension scheme, plan or policy').

Section 2.14: “unrealisable assets” are those which cannot be easily converted into cash.

A solicitor 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.

Section 2.20 and 2.21: 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. For example, you will find the figure for (A) on page 4, in section 2.1.

3 Financial Requirements

Section 3.1: 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 e.g. section 2.3 cont.)*

Section 3.2: 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.

4 Other Information

- Section 4.2:** 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.
- Section 4.3:** 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.
- Section 4.6:** If you have remarried or subsequently 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 wish to seek legal advice to answer the questions in this part of Form E. Public funding of your legal costs may be available from the Community Legal Service Fund.

- Section 5.3:** 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) e.g. a sale/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.

Schedule of Documents to Accompany Form E

Now that you have completed Form E please ensure 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 sworn as an exhibit or attachment to Form E.

Sworn confirmation of the information you have provided in Form E is true

This section must be completed. You have to confirm either by swearing on oath or by affirming that the information you have provided is a **full, frank, clear and accurate disclosure** of your financial and other relevant circumstances. You can do this either before a member of the court staff (this is free) or before a solicitor or commissioner for oaths (there will be a fee for this).