

Form E

(Financial statement for a financial order or for financial relief
after an overseas divorce or dissolution)

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 solicitor, citizens advice bureau, legal advice centre or law centre. You may be able to get free legal advice. For more information, go online at www.gov.uk/legal-aid.

Please note, while 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 Form C (Notice of a first appointment) which the court will send to 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

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 children 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/Child Maintenance Service assessments, agreements or court orders about your child.

Also, if an application has been made to the Child Support Agency/Child Maintenance Service but not decided let the court know the result 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 on 0845 7133133 or the Child Maintenance Service on 0800 083 4375.

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.

You can get details of the Land Registry title number and of the balance outstanding on any mortgage by contacting your mortgage company. You can also get your Land Registry title number from Land Registry Head Office, Trafalgar House, 1 Bedford Park, Croydon CR0 2AQ, 0844 892 1111.

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 on 0845 900 0404 who produce a free booklet called '**CGT1 Capital Gains Tax – an introduction**'. You may want to seek legal or financial advice to answer this question.

Section 2.13: 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.

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 (one that is privately arranged) you should contact the administrators directly. If you are not sure of the details of your pension scheme you can contact:

The Pensions Schemes Registry
PO Box 1NN
Newcastle Upon Tyne
NE99 1NN

You should get a valuation of your additional state pension by requesting form BR20 from the address or telephone number below. You may also find it useful to request a forecast of the benefit to be paid by filling in form BR19 which you can also get from the address or phone number below or from any social security office.

Future Pensions Centre
The Pension Service
Tyneview Park
Whitley Road
Newcastle upon Tyne
NE98 1BA

Telephone number: 0845 3000168

If you have any entitlement to PPF compensation you should get a valuation for each separate compensation entitlement from the PPF Board at the address below.

Attn: Compensation Team
The Pension Protection Fund
Knollys House
17 Addiscombe Road
Croydon
Surrey
CR0 6SR

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 for example '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 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. Public funding of your legal costs may be available from civil legal aid.

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) 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.

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.