

# Express financial remedy pilot procedure

## Step 1 - Completing and Filing a Form A Application

Either party starts the Financial Remedy process by formally asking the court to resolve their dispute.

Within 7 days of issue the court will:

- a. Serve a copy of the application upon the respondent
- b. Give notice for the date of the First AND Final Hearing to both parties



## Step 2 - Disclosure

- a. No more than 28 days after Form A issue both parties must simultaneously exchange & file Forms E
- b. No more than 14 days after Form E exchange parties must endeavour to:
  - i. Agree property valuations;
  - ii. Agree valuations for any other items within Forms E;
  - iii. Agree mortgage capacities;
  - iv. File & serve questionnaires (limited to 4 pages)

Where valuations cannot be agreed:

- i. For properties- jointly obtain market appraisals from three estate agents and adopt the average or instruct a Single Joint Expert (SJE) to provide a report.
- ii. For valuations of other assets- instruct SJE to provide an expert report



## Step 3- Prepare for First Hearing

- a. No less than 21 days before parties must file and serve their proposals for settlement (this may be open or on a Without Prejudice basis)
- b. No less than 14 days before parties must prepare a schedule setting out the issues of which they disagree
- c. No less than 7 days before parties must file a ES1, ES2 and chronology

## Step 4 - First Hearing

A hearing is scheduled within 16–20 weeks of issuing the Form A.

This first hearing takes place in a similar format to an FDR under the existing scheme with parties being provided with guidance and encouragement to reach an agreement by the judge

If the Court does not make an appropriate consent order the court must give directions including, where appropriate:

- a. The filing of further evidence, including up to date information;
- b. Reducing the time estimate of the final hearing; or
- c. Removing the case from the express financial remedy procedure.



## Step 5 - Prepare for Final Hearing

No more than 7 days after the First Hearing the parties must exchange and file open proposals for settlement



## Step 6 - Final Hearing

A one-day final hearing is scheduled to take place 26–30 weeks post the issue of Form A.

If a settlement has been reached between the parties in advance of this hearing, it can be vacated if no longer required. A financial order should always be obtained.

What is a financial order on divorce and dissolution? | Weightmans