

Application notice

To be completed by the relevant party										
Name of court	Case no.									
Name of Petitioner/Applicant										
Name of Respondent										
Name of Co-Respondent (if applicable)										
Solicitor's fee account no.										
Help with Fees – Ref no. (if applicable)										
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If completing this form by hand, please use **black ink and BLOCK CAPITAL LETTERS** and tick the boxes that apply.

1. Please state your name or, if you are a solicitor, the name of your firm.

2. Are you the Petitioner Applicant Respondent Co-Respondent Solicitor in the main proceedings, or

Other?
(if Other, please specify)

If you are a solicitor, whom do you represent?

3. What order are you asking the court to make and why?

Please attach a draft copy of the order you are applying for.

4. This application may be considered by a judge on the information you have set out in your application notice. The judge may make an order on that information, without a hearing. However, any party who objects to an order made in this way may apply to the court within 7 days of it being made, for a hearing, at which all parties can attend, when the application will be reconsidered.

Are there any reasons why this application should not be dealt with on paper by a judge? Yes No

If Yes, please provide details.

For **Deemed service applications** for Divorce, **Questions 5-8 are not required**. See guidance notes for more information.

5. Are there any reasons why this application should not be dealt with at a telephone hearing?

Yes No

If Yes, please provide details.

6. How long do you think the hearing will last?

hours minutes

Is this time estimate agreed by all parties?

Yes No

7. Give details of any fixed hearing date or period?

8. Does this application need to be heard by a specific judge/level of judge?

Yes No

If Yes, please enter name/level of judge

9. Who should be served with this application?

Give names and addresses, including postcodes: (If necessary, please continue on a separate sheet)

10. What information will you be relying on?

- the attached statement.
- the divorce/dissolution/nullity/(judicial) separation petition.
- the affidavit in support of the divorce/dissolution/nullity/(judicial) separation.
- the evidence set out in the box below:

(If necessary, please continue on a separate sheet)

Statement of Truth

This section must be completed by the person making this application (referred to in this section as the ‘Applicant’), or by a solicitor acting for the Applicant.

*delete as appropriate

*[I believe] [the Applicant believes] that the facts stated in this section (and any continuation sheets) are true.

*I am duly authorised by the Applicant to sign this statement.

Signed Dated / /

Applicant('s Solicitor)('s litigation friend)

Print full name

Name of Applicant's solicitor's firm

Position or office held
(if signing on behalf of firm or company)

Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified by a statement of truth.

11. Signature and address details

Signed Dated / /

Applicant('s Solicitor)('s litigation friend)

Position or office held
(if signing on behalf of firm or company)

If you do not wish your address to be made known to the respondent, leave the details below blank and complete Confidential contact details form C8. You can get a copy of this form from any family court office or from our website at hmctsformfinder.justice.gov.uk Please ensure that any documents submitted with this form or at a later date, do not include the confidential contact details you wish to withhold.

Applicant's address to which documents about this application should be sent: Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	If applicable	
	Telephone no.	<input type="text"/>
	Fax no.	<input type="text"/>
	DX no.	<input type="text"/>
	Your ref.	<input type="text"/>

E-mail

Notice of application – Notes for guidance

Court Staff cannot give out legal advice. If you need information or advice on a legal problem you can contact Community Legal Advice on 0845 345 4 345 or www.communitylegaladvice.org.uk, or a Citizens Advice. Details of your local offices and contact numbers are available on their website www.citizensadvice.org.uk.

Paying the court fee

A court fee is payable depending on the type of application you are making. For example:

- To apply for leave to issue a divorce petition without a marriage certificate.
- To apply for an order within existing proceedings.
- To apply for directions to be given by the judge in existing proceedings.
- To ask for a hearing to be adjourned.

For more information on court fees, please refer to booklet **EX50 – Civil and Family Court fees**.

This booklet is available from your local court or on the internet at hmctsformfinder.justice.gov.uk

What if I cannot afford to pay a court fee?

If you cannot afford to pay a court fee, you may be eligible for help with your court fee in full or in part. The booklet **EX160 Guide – How to apply for help with court fees** gives all the information you need. You can get a copy from any court office or online at hmctsformfinder.justice.gov.uk

Completing the form

Question 3

Set out what order you are applying for and why; e.g. to adjourn the hearing because..., to apply for leave to issue my divorce petition without my marriage certificate because... etc. If you are applying to vary an existing order or to re-activate proceedings you should enter the details here. A draft copy of any order you are applying for must be attached to your application. The draft should state the amount of any costs to be paid by the other party and a brief calculation of how it was arrived at.

Question 4

The court will only deal with the application 'without a hearing' in the following circumstances:

- where all the parties agree to the terms of the order being asked for;
- where all the parties agree that the court should deal with the application without a hearing; or
- where the court does not consider that a hearing would be appropriate.

Deemed Service application

(These applications do not require a hearing.)

The petitioner can apply to the court for an application for deemed service when they have evidence the respondent has received the divorce petition but has not filed an acknowledgment of service with the court. Evidence can be written confirmation such as a letter, email, or text.

Question 5

Please indicate in a covering letter any dates that you are unavailable to attend within the next six weeks.

Telephone hearings are only available in applications where at least one of the parties involved in the case is legally represented.

Not all applications will be suitable for a telephone hearing and the court may refuse your request

Question 6

If you do not know how long the hearing will take do not guess, instead leave these boxes blank.

Question 7

If your case has already been allocated a hearing date or trial period please insert details of those dates in the box.

Question 8

Enter the details if there is a requirement for your case to be heard by a specific judge or level of judge.

Question 9

Please indicate in the box provided who you want the court to send a copy of the application to.

Question 10

In this section please set out the information you want the court to take into account in support of the application you are making. If you wish to rely on:

- a **witness statement**, tick the first box and attach the statement to the application notice. A witness statement form is available on request from the court office.

- a **statement of case**, tick the second box if you intend to rely on your particulars of claim or defence in support of your application.
- **written evidence** on this form, tick the fourth box and enter details in the space provided. You must also complete the statement of truth. Proceedings for contempt of court may be brought against a person who signs a statement of truth without an honest belief in its truth.

Question 11

The application must be signed and dated and your current address and contact details completed. If you agree that the court and the other parties may communicate with you by Document Exchange, telephone, facsimile or email, please complete the details.

If you do not wish your address to be made known to the respondent, leave the details blank and complete Confidential contact details form C8. You can get a copy of this form from any family court office or from our website at hmctsformfinder.justice.gov.uk Please ensure that any documents submitted with this form or at a later date, do not include the confidential contact details you wish to withhold.

Before returning your form to the court

Have you:

- signed the form on page 3?
- enclosed the correct fee or an application for fee remission?
- if you have applied for your Help with Fees online please insert your Help with Fees reference number in the box provided at the top right hand side of this form
- made sufficient copies of your application and supporting documentation? You will need to submit one copy for each party to be served and one copy for the court.