

Case number

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Application notice

Name of court

Name of applicant

Name of applicant 2

Name of respondent

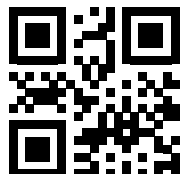
1. Please give your name or, if you are a solicitor, the name of your firm.

2. What is your role in the main proceedings,

- applicant/petitioner
- applicant 2
- respondent
- solicitor. Whom do you represent?

- other (please specify)

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

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

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.

4. Are there any reasons why this application should not be dealt with on paper by a judge?

Yes. It should not be dealt with on paper by a judge because

No

Domestic Abuse Act 2021

Provisions in the Domestic Abuse Act 2021 have the effect of preventing an individual accused of abuse from questioning in person a party or witness in the case who is the victim of the abuse, and also prevents a victim of abuse from questioning in person the accused individual in specified circumstances.

If the court directs that the proceedings be listed for a hearing where oral evidence may be given, form **EX740** (person making the abuse accusation) or form **EX741** (person accused of abuse) 'Application and information needed by the court to consider whether to prevent (prohibit) questioning (cross-examination) in person' may need to be completed so that the court can consider whether questioning in person should be prevented. The court will send the appropriate form with the court order.

Note 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 application 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.

Note 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.

For Deemed Service applications for divorce, Questions 5–9 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. This hearing should not be dealt with at a telephone hearing because

No

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

hours minutes

7. Is this time estimate agreed by all parties?

Yes

No

8. Give details of any fixed hearing date or period.

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

Yes. This application needs to be heard by
(Name or level of judge)

No

Deemed Service application

(These applications do not require a hearing.)

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

Note 5: 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

Note 6: If you do not know how long the hearing will take do not guess, instead leave these boxes blank.

Note 7: If your case has already been allocated a hearing date or trial period please insert details of those dates in the box.

Note 8: Enter the details if there is a requirement for your case to be heard by a specific judge or level of judge.

10. Who should be served with this application?

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

Note 10: Please indicate in the box provided who you want the court to send a copy of the application to.

If the contact details of any person need to be kept confidential from other people involved in this case, leave the contact details blank and complete the confidential contact details form **C8**.

You can get a copy of form **C8** from hmctsformfinder.justice.gov.uk or from any family court. Make sure that any documents you submit with this form, or at a later stage, **do not** disclose those confidential contact details.

Note 11: 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:

11. What information will you be relying on?

- the attached statement.
- the divorce/dissolution/nullity/(judicial) separation application.
- the statement 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)

- **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.

Statement of truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in this form and any continuation sheets are true.

The applicant believes that the facts stated in this form and any continuation sheets are true. **I am authorised** by the applicant to sign this statement.

The respondent believes that the facts stated in this form and any continuation sheets are true. **I am authorised** by the respondent to sign this statement.

Signature

Applicant

Respondent

Applicant's legal representative (as defined by FPR 2.3(1))

Respondent's legal representative (as defined by FPR 2.3(1))

Date

Day Month Year

Full name

Name of the legal representative's firm

If signing on behalf of firm or company give position or office held

Court fee

What you need to pay

the court fee is

How to pay the court fee

I have not included payment because

- I have applied for Help with Fees online and my reference number is

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- I am applying for Help with Fees, see attached form **EX160**

- Other – please explain why

A debit or credit card payment

- I will pay over the phone.

- please email me details on how to pay, my email address is

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- I attach a **cheque or postal order**, made payable to 'HMCTS'

Fee account details – for use by legal professionals

Your account number

P	B	A																	
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Your reference (if applicable)

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Court fee

You can find the current fee in leaflet EX50 Civil and Family Court Fees which can be downloaded from:

<https://www.gov.uk/government/collections/court-and-tribunal-forms>

If you cannot afford the court fee

You may not have to pay a fee, or you may get some money off it if you only have a small amount of savings and investments, receive certain benefits or are on a low income.

You can apply for help with court and tribunal fees online at www.gov.uk/help-with-court-fees or through the 'EX160 Apply for help with fees' form and 'EX160A – How to apply for help with fees' guidance.

A debit or credit card payment. To pay the court fee over the phone, you should call the Court that is currently managing your case.

Fee account – a way for solicitors, local authorities and other regular users to make payments relating to civil and family cases.

Please send your completed application and copies to the court that is managing your case.

The addresses can be found here:

<https://www.find-court-tribunal.service.gov.uk>