

Notice of application to vary or set aside a financial order

(Form E calculator error)

Complete this form only where a Form E calculator error has been identified in an online HMCTS FormFinder Form E and you assert this has materially or significantly affected your court order.

If completing this form by hand, please use **black ink and BLOCK CAPITAL LETTERS** and tick the boxes that apply.

| To be completed by the relevant party | |
|---------------------------------------|----------|
| Name of court | Case no. |
| Name of Applicant | |
| Name of Respondent | |

I have received a letter from HMCTS about Form E Yes No

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

2. Were you the Applicant Respondent to your previous financial remedy proceedings, or

A solicitor
(who do you represent)

Other
(Please specify)

3. Do you consider that this error has materially or significantly affected the outcome of your final financial order?

Yes No

If Yes, please explain how and to what extent you think that the error affected the outcome?

4. What are you asking the court to do and why?

If you have drafted a copy of the order you are applying for, please attach the draft order.

5. 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.

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

Yes No

If Yes, please provide details.

7. Please enter the name of the judge who issued the final financial order in your case and the date of this order (if known). Please attach a copy of the final financial order/ consent order if you have this.

8. Please confirm the details of the respondent and any other party who should be served with this application.

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

9. What information will you be relying on? (tick at least one box)

- the attached witness statement.
 the attached statement of case.
 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.

10. Signature and address details

Signed Dated / /

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

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

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

Postcode

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 Citizens Advice. Details of your local offices and contact numbers are available on their website www.citizensadvice.org.uk.

Completing the form

In the box on page 1 (top right-hand side) write the name of the court where the final financial order in these proceedings was previously made. The case number is the previous case number for your financial remedy proceedings. This will be shown on the copy of the final financial order you will have received at that time. If you have received a letter from HMCTS about the online HMCTS FormFinder Form E calculator error your previous case number will also be shown on that letter.

You will be the applicant for the purposes of making this application on this form even if you were the respondent in your previous proceedings.

Question 4

Set out what you are asking the court to do and why. For example, if you are asking the court to vary or set aside your final financial order due to the calculator error identified in an online HMCTS FormFinder Form E filed in your case, you should set this out. If you or your legal adviser have drafted a copy of the order you are applying for, please attach a copy to this application.

Question 5 and 6

Most applications will require a hearing and you will be expected to attend. The court will allocate a hearing date and time for the application. In certain circumstances it may be appropriate for the court to deal with your application without a hearing, or via a telephone hearing.

Question 7

Enter the name of the judge who made your final financial order. This will be available on the copy of the final court order you will have received at that time. If you have a copy of the final financial order, please attach a copy to this application.

Question 8

Please confirm the details of the respondent and any other party who should be served with this application. If you do not know the respondent's current address, please confirm this by writing in the box.

Question 9

In this section please set out the information you want the court to take in to 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 third box and enter details in the box provided. You must also complete the statement of truth (on page 3 of this form). 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 and signing the form

You (or your solicitor if you have one) must sign the Statement of Truth and also sign the application on page 3 and write your current address in the box at the bottom of page 3. If you agree that the court and the other parties may communicate with you by Document Exchange, telephone, fax or email, please complete these details as well.

Before returning your form to the court

Have you:

- completed all of the sections and answered all of the questions?
- Have you or your solicitor signed the Statement of Truth and signed the form on page 3?
- attached a copy of the previous final financial order if you have it?
- attached a copy of the order you are applying for, if you have drafted one?
- attached any documentation if you ticked box one or box two for question 9?
- 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.