
Ancillary Relief is the court process by which the matrimonial assets are divided on divorce.

The mechanics of obtaining a divorce these days are usually quite straightforward, especially if both parties feel that the marriage is over. The difficulties tend to lie in resolving related practical issues stemming from divorce such as where to live, arrangements for the children and money matters generally.

This guide is intended to explain the process in everyday terms so that you understand the framework. Of course this can only be a general explanation.

- i.** The **Application for Financial Relief (Ancillary Relief)** is usually made by the Petitioner or Respondent filing **Form A** with the court which is dealing with the Divorce Proceedings. It is made after the Decree Nisi is granted.
- ii.** **The Court fixes** a first appointment and gives notice of the date to the Parties by sending them the Notice of First Appointment. No Court appointment may be cancelled except with the Court's permission.
- iii.** Both parties must, at the same time, exchange with each other and file at the Court a statement in Form E. This is a lengthy document that sets out full details of all assets, liabilities and income. The Form E must be signed by the maker of the statement and sworn to be true. The Court will fix a date for exchange and filing of Form E on the Notice of First Appointment.
- iv.** At least 14 days before the first appointment, each party must file with the Court and serve on the other party:
 - a.** a concise Statement of the Issues between the parties;
 - b.** a Chronology

The court has the power to make a number of different orders in matrimonial proceedings including an order requiring one party to pay the other a lump sum, the sale or transfer of property, spousal maintenance (otherwise known as periodical payments) and in some limited circumstances child maintenance. The court also has the power to make temporary orders.

A note on Costs

At every court hearing or appointment, each party must provide the Court with an estimate in Form H of the costs they have incurred up to the date of that hearing or appointment. This ensures that every one involved in the case is aware of the “running total” of costs incurred.

Generally costs are no longer recoverable in Ancillary Relief proceedings. This means the each party must expect to pay their own costs. The court will only order one party to pay the others costs if it is convinced that the paying parties' behaviour has wasted costs.