

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 Bureau. 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 (High Court and County Court)**.

This booklet is available from any county court office or family proceedings centre, or on the internet at: www.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 a fee remission in full or in part. The booklet **EX160A – Court Fees – Do I have to pay them?** gives all the information you need. You can get a copy from any court office or from our website www.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 and 5

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

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.

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.

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?
- enclosed the required evidence in support of your remission application, if you are applying for one as set out in **EX160A – Court Fees – Do I have to pay them?**
- 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.