

**GUIDANCE  
MASTERS' COURTS**

**MATRIMONIAL**

**18 OCTOBER 2022**

This guidance replaces the guidance for Matrimonial Masters' Courts that was published on 8 January 2021.

**KEY CHANGES TO PREVIOUS GUIDANCE**

- **Ancillary Relief Applications** - Form FCI1 should be filed at least 3 days in advance of the court date.
- **Affidavits** - unsworn affidavits will be no longer be accepted in ex parte and inter parte applications unless specifically directed by the Matrimonial Masters. Any such direction will be subject to the solicitors' undertaking to provide a sworn affidavit as soon as is possible and in inter partes applications, subject to any objection by another party.
- **Undefended Divorces** - Undefended divorces are now heard by all High Court Masters. If it is intended at the Decree Nisi hearing to make an application for an agreement in an existing Ancillary Relief case to be made an Order of Court, a request should be made that the undefended divorce is listed before the Master hearing the Ancillary Relief case.
- **Administrative Reviews** - Practitioners are reminded that the submission of case information forms is not a substitute for issuing a summons and grounding affidavit.
- **Financial Dispute Resolution (FDR)** - FDR hearings can again take place with parties, Solicitors and Counsel present.

**ANCILLARY RELIEF APPLICATIONS**

New ancillary relief applications will be **allocated** a date for First Directions by the Master. The court will deal with first directions **administratively** (on the papers/written submissions) therefore parties **must not** attend court on the date which appears on the summons.

The parties should collaboratively complete an **FCI1** form and email it to the [matrimonialmastersteam@courtsni.gov.uk](mailto:matrimonialmastersteam@courtsni.gov.uk) **at least 3 days in advance of the court date** to reflect any agreed directions, or submissions in relation to directions not agreed and, if relevant, confirming how service has been effected.

The **FCI1** form shall have attached a paginated, electronic, and hyperlinked bundle containing the summons, affidavits and any discovery or correspondence relied on. Guidance regarding the submission and format of electronic bundles is set out in [Practice Direction 2/2022](#)

Where a form FC11 is not submitted within the prescribed timescale, the Master may in the absence of good cause make whatever order he /she considers appropriate. All communications to the Matrimonial Office should be copied to the other side, even where the person emailing says there is agreement.

In the event of a **related application** to an existing Ancillary Relief application which has already been allocated a review date, the Matrimonial Master's team should be asked to list the related application on the same date that the main Ancillary Relief Application has been listed for review, unless there is stated good reason for listing on a separate date.

## **ADMINISTRATIVE REVIEW COURT**

Master Sweeney's administrative review court will continue every Friday. Form **FCI1** ought to be filed by email to the [matrimonialmastersteam@courtsni.gov.uk](mailto:matrimonialmastersteam@courtsni.gov.uk) at least 3 days in advance of the court date, all summonses, affidavits and other relevant documents should be attached.

The **FCI1** should first be shared with the opposing party in sufficient time to enable them to make their submissions on the form and have the form filed 3 days in advance of the administrative review. If the opposing party has not contributed to the form, the reasons should be clearly set out including details of service on the opposing party.

### **Applications brought administratively**

The administrative form system must not be understood as a substitute for the issuing of a summons complete with a grounding affidavit. Applications for deeming service good, leave to issue a second divorce petition, leave to amend a divorce petition etc must be initiated by summons and affidavit.

## FINANCIAL DISPUTE RESOLUTION HEARINGS

Under revised Public Health guidance, the number of people who can be accommodated in courtrooms has been increased. **This means FDR hearings can again take place with parties, Solicitors and Counsel present.** Consultation rooms ought still to be booked outside the building to facilitate negotiations and to enable parties to maintain safe distances from each other in the corridors. Time allocations must be strictly adhered to. Following an FDR hearing, the courtroom participants will leave the building to continue the consultations and negotiations unless consultation facilities are available on site.

Where the parties submit an **FCI1** form to confirm that the proceedings are ready for an FDR hearing before either Master, and there are no outstanding issues, they will be allocated a provisional FDR hearing date. If core issues are not filed 14 days in advance, the hearing date will be vacated and a new FDR date will be provided when the Core Issues are filed. Where the parties disagree as to the readiness of proceedings for an FDR hearing, they should request that the case is listed in a Progress Court list or file an **FCI1** form seeking administrative adjudication by the Master.

### Hearings

Where the FDR process has been unsuccessful in resolving the litigation, the parties should collaboratively complete and file Form **HR1**, paying particular attention to Part 4 of the form. At a pre-hearing review, the Master and the Matrimonial Office will then explore the availability of courtroom accommodation in the light of the number of persons who are required to attend in person and the expected duration of the hearing.

## MAINTENANCE PENDING SUIT APPLICATIONS

Maintenance pending suit applications should be supported by an affidavit and served on the Respondent to the application who should, within 14 days of service, file by email and serve by email an affidavit in reply. The application will be dealt with either on foot of written submissions emailed to the Court, or by remote hearing via Webex or Sightlink. Written submissions should provide detail of the parties' income, outgoings, and other resources and should be compiled in a complete electronic trial bundle.

## UNDEFENDED DIVORCES

Undefended divorces are now being heard by the High Court Masters.

If a clean break agreement has been achieved in an existing Ancillary Relief case before Master Sweeney or Master Bell, any application to have it made a rule of court should be listed before the Master dealing with the Ancillary Relief application, by requesting this at the time of setting down the divorce for hearing.

Where, however, the agreement is in line with a Master's indication at an FDR hearing, the divorce may be listed before any Master hearing divorces who may be asked to make the agreement a Rule of Court.

Where any party has the benefit of a Legal Aid certificate this must be filed before an Order for Legal Aid Taxation of costs can issue.

### **REMOTE COURT HEARINGS**

Parties attending remotely should attend from their solicitors' office or a consultation room or other appropriate location which takes proper account of the solemnity of the proceedings.

When signing into a Sightlink/Webex link, Counsel/Solicitors/ Pupil Barristers/ parties /witnesses should state the nature of their appearance after their name e.g.: -

Mary Smith BL

John Smith Solicitor

Jenny Smith Pupil Barrister

Jo Smith Party

James Smith Witness/Estate Agent/Accountant

A guide for court users attending Remote Court Hearings can be accessed [here](#)