

SCHEDULE 1

FORMS

Form 1

General heading of proceedings

No.

IN THE HIGH COURT OF JUSTICE OF THE ISLE OF MAN

FAMILY DIVISION

Applicant	<i>Full name of applicant</i>
Respondent	<i>Full name of respondent</i>
[Co-respondent]	<i>Full name of co-respondent</i>

Rule 6(1).

Form 2

Initial application

[Heading as in Form 1]

APPLICATION FOR [DIVORCE ORDER] or as the case may be\*

1.	The applicant was lawfully married to the respondent on <i>[date]</i> at <i>[place]</i>
2.	The applicant and the respondent last lived together as husband and wife at <i>[place]</i>
3.	The Court has jurisdiction on the ground that the [applicant] [respondent] [at the date of this application is domiciled in the Isle of Man] [has been habitually resident in the Isle of Man throughout the period of one year ending with the date of this application]  The [respondent] [applicant] [at that date is domiciled in <i>[country]</i> ] [has been habitually resident in <i>[country]</i> ] throughout that period] <i>or as the case may be</i>
4.	The applicant is <i>[occupation]</i> and resides at <i>[address]</i>
5.	The respondent is <i>[occupation]</i> and resides at <i>[address]</i>
6.	There are [no] [the following] living children of the family [namely — <i>[full name of each child and date of birth and, if aged 16 or 17, whether receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation]</i> ]
7.	There are [no] [the following] proceedings in a court in the Isle of Man or elsewhere with reference to the marriage or to any child of the family or between the applicant and the respondent with reference to any property of either or both of them —  <i>[nature of proceedings, with date and effect of any decree or order]</i>
8.	The said marriage has broken down irretrievably.
9.	The fact on which the applicant relies is that  [the respondent has committed adultery and the applicant finds it intolerable to live with the respondent.]  [the respondent has behaved in such a way that the applicant cannot reasonably be expected to live with the respondent.]  [the respondent has deserted the applicant for a continuous period of at least 2 years immediately preceding the date of this application.]  [the applicant and the respondent have lived apart for a continuous period of at least 2 years immediately preceding the date of this application and the respondent consents to a divorce order being made.]  [the applicant and the respondent have lived apart for a continuous period of at least 5 years immediately preceding the date of this application.]
10.	Particulars: <i>[details of adultery, behaviour, desertion or separation]</i>
11.	The applicant applies for the following —  (a) a divorce order dissolving the said marriage;  (b) <i>[particulars of any order under Part 1 or Part 2 of the Children and Young Persons Act 2001 applied for]</i>  (c) an order that the respondent pay the costs of the proceedings;  (d) the following orders for financial provision —  <i>or as the case may be</i>

*Rules of the High Court (Matrimonial Proceedings) 2004*

12.	The names and addresses of the persons to be served with this application are:
13.	The applicant's address for service is <i>[name and address of advocate, or other address in the Isle of Man to which documents for the applicant may be delivered or sent]</i>
Date	Signed  [Advocate for] Applicant

*\*Note: This form is to be suitably adapted according to the kind of order(s) applied for, the grounds of the application and the circumstances of the case, but must in any case include the matters specified in Schedule 2, as appropriate.*

Rule 6(3).

Form 3

Statement of arrangements for children

[Heading as in Form 1]

STATEMENT OF ARRANGEMENTS FOR CHILDREN

*Matrimonial Proceedings Act 2003*

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You must complete this form if you or the respondent have any children —

- under 16
- over 16 but under 18 and at school or college or training for a trade, profession or vocation.

Please use black ink.

Please complete Parts 1, 2 and 3.

Before you make an application for a divorce order try to reach agreement with your husband/wife over the proposals for the children's future. There is space for him/her to sign at the end of this form if agreement is reached.

If your husband/wife does not agree with the proposals he/she will have an opportunity at a later stage to state why he/she does not agree and will be able to make his/her own proposals.

You should take or send the completed form, signed by you (and, if agreement is reached, by your husband/wife) together with a copy to the Court when you make your initial application.

Please refer to the explanatory notes issued regarding completion of paragraph 11 of the initial application if you are asking the court to make any order regarding the children.

**The Court will only make an order if it considers that an order will be better for the child(ren) than no order.**

If you wish to apply for any of the orders which may be available to you under Part 1 or 2 of the Children and Young Persons Act 2001, you are advised to see an advocate.

You should obtain legal advice from an advocate. Addresses of advocates and advice agencies can be obtained from the Court office.

***To the Respondent***

The applicant has completed Part 1, 2 and 3 of this form which will be sent to the Court at the same time that the application for a divorce order is made.

Please read all parts of the form carefully.

If you agree with the arrangements and proposals for the children you should sign Part 4 of the form.

Please use black ink. You should return the form to the applicant, or his/her advocate.

If you do not agree with all or some of the arrangements of proposals you will be given the opportunity of saying so when the application for a divorce order is served on you.

PART 1 — Details of the children

Please read the instructions for boxes 1, 2 and 3 before you complete this section

1.	<b>Children of both parties</b> (Give details only of any children born to you and the Respondent or adopted by you both)		
	<i>Forenames</i>	<i>Surname</i>	<i>Date of birth</i>
(i)			
(ii)			
(iii)			
(iv)			
(v)			

2.	<b>Other children of the family</b> (Give details of any other children treated by both of you as children of the family: for example your own or the Respondent's)			
	<i>Forenames</i>	<i>Surname</i>	<i>Date of birth</i>	<i>Relationship to Yourself                  Respondent</i>
(i)				
(ii)				
(iii)				
(iv)				
(v)				

3.	<b>Other children who are not children of the family</b> (Give details of any other children born to you or the Respondent who have not been treated as children of the family or adopted by you both)		
	<i>Forenames</i>	<i>Surname</i>	<i>Date of birth</i>
(i)			
(ii)			
(iii)			
(iv)			
(v)			

PART 2 — Arrangements for the children of the family

This part of the form must be completed. Give details for each child if arrangements are different. If necessary, continue on another sheet and attach it to this form

4.	<b>Home details</b> (please tick the appropriate boxes)	
(a)	The addresses at which the children now live	
(b)	Give details of the number of living rooms, bedrooms etc. at the addresses in (a)	
(c)	Is the house rented or owned and by whom? Is the rent or any mortgage being regularly paid?	<input type="checkbox"/> No <input type="checkbox"/> Yes
(d)	Give the names of all other persons living with the children including your husband/wife if he/she lives there. State their relationship to the children.	
(e)	Will there be any change in these arrangements?	<input type="checkbox"/> No <input type="checkbox"/> Yes (Please give details)

5.	<b>Education and training details</b> (please tick the appropriate boxes)	
(a)	Give the names of the school, college or place of training attended by each child.	
(b)	Do the children have any special educational needs?	<input type="checkbox"/> No <input type="checkbox"/> Yes (Please give details)
(c)	Is the school, college or place of training, fee-paying? Are the fees being regularly paid?	<input type="checkbox"/> No <input type="checkbox"/> Yes (Please give details of how much the fees are per term/year) <input type="checkbox"/> No <input type="checkbox"/> Yes (Please give details)
(d)	Will there be any change in these arrangements?	<input type="checkbox"/> No <input type="checkbox"/> Yes (Please give details)

6.	<b>Childcare details</b> (please tick the appropriate boxes)	
(a)	Which parent looks after the children from day to day? If responsibility is shared, please give details.	
(b)	Does that parent go out to work?	<input type="checkbox"/> No <input type="checkbox"/> Yes (Please give details of his/her hours of work)

*Rules of the High Court (Matrimonial Proceedings) 2004*

(c)	Does someone look after the children when the parent is not there?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please give details)
(d)	Who looks after the children during school holidays?		
(e)	Will there be any change in these arrangements?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please give details)

7.	<b>Maintenance</b> (please tick the appropriate boxes)		
(a)	Does your husband/wife pay towards the upkeep of the children?  If there is another source of maintenance, please specify.	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please give details of how much)
(b)	Is the payment made under a court order?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please give details, including the name of the court and case number)
(c)	Has maintenance for the children been agreed?  If not, will you be applying for a maintenance order for the children?	<input type="checkbox"/> No  <input type="checkbox"/> No	<input type="checkbox"/> Yes  <input type="checkbox"/> Yes (Please give details)

8.	<b>Details for contact with the children</b> (please tick the appropriate boxes)		
(a)	Do the children see your husband/wife?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please give details of how often and where)
(b)	Do the children ever stay with your husband/wife?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please give details of how much)
(c)	Will there be any change in these arrangements?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please give details of the proposed arrangements for contact and residence)

9.	<b>Details of health</b> (please tick the appropriate boxes)		
(a)	Are the children generally in good health?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please give details of any serious disability or chronic illness)
(b)	Do the children have any special health needs?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please give details of the care needed and how it is to be provided)

10.	<b>Details of care and other court proceedings</b> (please tick the appropriate boxes)		
(a)	Are the children in the care of the Department of Health and Social Security, or under the supervision of the Department or a probation officer?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please give details, including any court proceedings)



*Rules of the High Court (Matrimonial Proceedings) 2004*

Rule 9(2).

Form 4

Certificate as to reconciliation

[Heading as in form 1]

I am the advocate acting for the applicant in the above proceedings.

I certify that I [have] [have not] discussed with the applicant the possibility of a reconciliation and that I [have] [have not] given to the applicant the names and addresses of persons qualified to hold effect a reconciliation.

Date

Signed

Advocate for Applicant

Rule 9(5).

Form 5

Notice of proceedings

[Heading as in form 1]

NOTICE OF PROCEEDINGS

*Matrimonial Proceedings Act 2003*

An application for a divorce order has been made to this Court. A copy of it [and a copy of the applicant's Statement of Arrangements for the child(ren)] [is][are] delivered with this notice.

1. You must complete the accompanying acknowledgement of service and send it so as to reach the Chief Registrar, Isle of Man Courts of Justice, Douglas IM1 3AR, within 14 days after you receive this notice. Delay in returning the form may add to the costs.

2. If you intend to instruct an advocate to act for you, you should at once give him all the documents which have been served on you, so that he may send the acknowledgement to the Chief Registrar on your behalf. If you do not intend to instruct an advocate, you should nevertheless give an address for service in the acknowledgement so that any documents affecting your interests which are sent to you will in fact reach you. Changes of address should be notified to the Chief Registrar.

NOTES ON QUESTIONS IN THE ACKNOWLEDGEMENT OF SERVICE

3. If you answer Yes to Question 4 or 7 you must, within 35 days after you receive this notice, file in the Court office an answer to the petition together with a copy for every other party to the proceedings.

4. Before you answer Yes to Question 5 you should understand that —

- (a) you are under no obligation to answer this question but you may do so if you wish;
- (b) the answer Yes will be treated by the Court as an admission on which the applicant is entitled to rely and may result in an order for costs being made against you;
- (c) if you are in any doubt about the answer to give you should consult an advocate.

5. Before you answer Yes to Question 6 you should understand that —

- (a) if the applicant satisfies the Court that the applicant and you have been living apart for 2 years immediately before the making of the application and that you consent to a divorce order, the Court will make one unless it considers that the marriage has not broken down irretrievably;
- (b) a final divorce order will end your marriage so that —
  - (i) any right you may have to a pension which depends on the marriage continuing will be affected;
  - (ii) you will not be able to claim a State widow's pension when the applicant dies;
  - (iii) any rights of occupation you may have in the matrimonial home under Part 5 of the Matrimonial Proceedings Act 2003 will cease unless the Court has ordered otherwise before the order is made;
- (c) once the Court makes a final divorce order or a separation order, you will lose your right to inherit from the applicant if he or she dies without having made a will, and if the applicant has made a will a final divorce order will deprive you of any right which you may have under that will to act as executor or take any gift under the will, unless a contrary intention appears in the will;
- (d) a divorce order may have other consequences in your case depending on your particular circumstances, and if you are in any doubt about these you would be well advised to consult an advocate.

6. If after consenting you wish to withdraw your consent you must immediately inform the Chief Registrar and give notice to the applicant.

*Delete paragraph 7 unless application is based on 5 years' separation*

7. The applicant relies in support of the application on the fact that the parties to the marriage have lived apart for at least 5 years. Section 9 of the Matrimonial Proceedings Act 2003 provides that if in such a case the respondent applies to the Court for it to consider the respondent's financial position after the divorce, a provisional divorce order based on 5 years' separation only cannot be made unless the Court is satisfied that the applicant has or will make proper provision for the respondent, or else that the applicant should not be required to make any financial provision for the respondent. The application will tell you whether the applicant proposes to make any financial provision for you. It is important that you should consider this information carefully before answering Question 8 in the acknowledgement.

8. If you answer Yes to Question 8 you must, before the divorce order is made final, make application to the Court by filing and serving on the applicant a notice in Form 8, which may be obtained from the Court office.

9. (a) If you do not wish to defend the case but object to the claim for costs, you should answer Yes to Question 9 in the acknowledgement. You must state the grounds on which you object. An objection cannot be entertained unless grounds are given which, if established, would form a valid reason for not paying the costs. If such grounds are given, you will be notified of a date on which you must attend before the Court if you wish to pursue your objection.

(b) If you do not object to the claim for costs but simply wish to be heard on the amount to be allowed you should answer No to Question 9.

(c) If you are ordered to pay costs, the amount will, unless agreed between the applicant and yourself, be fixed by the Court, or will be settled by the Court after lodgement of the applicant's bill of costs. In the latter event, you will be sent a copy of the bill, and will have the right to be heard about the amount before it is finally settled.

10. Please answer Question 10.

If your answer to Question 10(c) is YES please make sure that you sign the form at 12A.

11. If you wish to contest the applicant's financial or property claim you will have an opportunity of doing so when you receive a notice stating that the applicant intends to proceed with the claim. You will then be required to file an affidavit giving particulars of your property and income and be notified of the date when the claim is to be heard.

12. If you wish to make some financial or property claim on your own account, you will have to make a separate application. If you are in doubt as to the consequences of divorce on your financial position, you should obtain legal advice from an advocate.

13. If you wish to make an application for —

- a residence order
- a contact order
- an order under section 11(1)(c) of the Children and Young Persons Act 2001 (a 'prohibited steps order')
- an order under section 11(1)(d) of that Act (a 'specific issue order')

in respect of a child, you will have to make a separate application on a form corresponding to Form CHA10(D) contained in the Family Proceedings Rules 1991 (for England and Wales). You can get this form from the Court office. Before you apply for any of these orders or any other order which may be available to you under Part 1 or 2 of the Children and Young Persons Act 2001 you are advised to see an advocate.

*[date]*

Rule 9(5).

Form 6

Acknowledgement of service

[Heading as in Form 1]

ACKNOWLEDGEMENT OF SERVICE

IF YOU INTEND TO INSTRUCT AN ADVOCATE TO ACT FOR YOU, GIVE HIM OR HER THIS FORM IMMEDIATELY.

READ CAREFULLY THE NOTICE OF PROCEEDINGS BEFORE ANSWERING THE FOLLOWING QUESTIONS

PLEASE COMPLETE USING BLACK INK

1.	Have you received the application for a divorce order with this form?	
2.	On which date and at what address did you receive it?	Date: Address:
3.	Are you the person named as the respondent in the application?	
4.	Do you intend to defend the case?	
5.	<i>(In the case of an application alleging adultery)</i> Do you admit the adultery alleged in this application?	
6.	Do you consent to a divorce order being made?	
7.	Do you intend to oppose the making of a divorce order on the ground that the divorce will result in grave financial or other hardship to you and that in all the circumstances it would be wrong to dissolve the marriage?	
8.	In the event of a provisional divorce order being made on the basis of 2 years' separation coupled with the respondent's consent, or 5 years' separation, do you intend to apply to the Court for it to consider your financial position as it will be after the divorce?	
9.	Even if you do not intend to defend the case do you object to paying the costs of the proceedings? If so, on what grounds?	
10.	(a) Have you received a copy of the Statement of Arrangements for the child(ren)?  (b) What was the date of the Statement of Arrangements? <i>(the date beside the Applicant's signature at Part 3)</i>  (c) Do you agree with the proposals in that Statement of Arrangements?	

*Rules of the High Court (Matrimonial Proceedings) 2004*

	<p>Notes:</p> <p>If NO you may file a written statement of your views on the present and the proposed arrangements for the children.</p> <p>It would help if you sent that statement to the Court office with this form.</p> <p>You can get a form from the Court office.</p>	
11.	<p><i>(In the case of proceedings relating to a polygamous marriage)</i></p> <p>If you have any wife/husband in addition to the applicant who is not mentioned in the application, what is the name and address of each such wife/husband and the date and place of your marriage to her/him?</p>	
12A.	<p><i>You must complete this part if—</i></p> <ul style="list-style-type: none"> <li>• <i>you answered YES to Question 5 or</i></li> <li>• <i>you answered YES to Question 6 or</i></li> <li>• <i>you answered YES to Question 10(c) or</i></li> <li>• <i>you do not have an advocate acting for you.</i></li> </ul>	
	Date	Signed
	<p>Address for service:</p> <p>Note If you are acting on your own you should also put your place of residence, or if you do not reside in the Isle of Man the address of a place in the Isle of Man to which documents may be sent to you.</p> <p>If you subsequently wish to change your address for service, you must notify the Chief Registrar.</p>	
12B.	<p>I am/We are acting for the Respondent in this matter.</p>	
	Date	Signed
	Advocate(s) for the Respondent	
	<p>Address for service:</p> <p>Note If your client answered YES to question 5, question 6 or question 10(c) your client must sign and date at 12A.</p>	

*Rules of the High Court (Matrimonial Proceedings) 2004*

Rule 26(3)(a).

Form 7(a)

Affidavit by applicant in support of application under s.2(2)(a) (Adultery)

[Heading as in Form 1]

**AFFIDAVIT BY APPLICANT**

	<i>Question</i>	<i>Answer</i>
	<b><i>About the Application for a Divorce Order</i></b>	
1.	Have you read the application made in this case?	
2.	Do you wish to alter or add to any statement in the application? If so, state the alterations or additions.	
3.	Subject to these alterations (if any), is everything stated in your application true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your information and belief.	
4.	State briefly your reasons for saying that the respondent has committed the adultery alleged.	
5.	On what date did it first become known to you that the respondent had committed the adultery alleged?	
6.	Do you find it intolerable to live with the respondent?	
7.	Since the date given in the answer to Question 5, have you ever lived with the respondent in the same household? If so, state the addresses and the period or periods, giving dates.	
	<b><i>About the children of the family</i></b>	
8.	Have you read the Statement of Arrangements filed in this case?	
9.	Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions.	
10.	Subject to these alterations and addition(s) (if any), is everything stated in your application [and Statement of Arrangements for the child(ren)] true and correct to the best of your knowledge and belief?	

I ( <i>full name</i> )	
of ( <i>address</i> )	
( <i>occupation</i> )	
MAKE OATH and say as follows	
1.	I am the applicant in this case
2.	The answers to Questions 1 to 10 are true.

*Rules of the High Court (Matrimonial Proceedings) 2004*

3.	I identify the signature* appearing on the copy acknowledgement of service now produced to me and marked 'A' as the signature of my husband/wife, the respondent in this case.	<i>Delete if the acknowledgement is signed by an advocate.  *Insert name of the respondent exactly as it appears in the acknowledgment of service.</i>
4.	I identify the signature* appearing at the foot of the document now produced to me and marked 'B' as the signature of the respondent	<i>Insert where confession is exhibited.  *Insert name of the respondent exactly as it appears on the confession signed by him/her.</i>
5.	I identify the signature* appearing at Part 4 of the Statement of Arrangements dated now produced to me and marked 'C' as the signature of the respondent.	<i>* Insert name of the respondent exactly as it appears on the Statement of Arrangements signed by him/her.</i>
6.		<i>Exhibit any other document on which the applicant wishes to rely.</i>
7.	I ask the Court to make an order dissolving my marriage with the respondent* on the grounds stated in my application [and to order the respondent/co-respondent to pay the costs of this case]§	<i>*If the applicant seeks judicial separation, amend accordingly.  §Amend or delete as appropriate.</i>

TAKEN and SWORN at

on

Before me

A Commissioner for Oaths

Rule 26(3)(a).

Form 7(b)

Affidavit by applicant in support of application under s.2(2)(b) (behaviour)

[Heading as in Form 1]

AFFIDAVIT BY APPLICANT

	<i>Question</i>	<i>Answer</i>
	<b><i>About the Application for a Divorce Order</i></b>	
1.	Have you read the application made in this case?	
2.	Do you wish to alter or add to any statement in the application? If so, state the alterations or additions.	
3.	Subject to these alterations (if any), is everything stated in your application true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your information and belief.	
4.	If you consider that the respondent's behaviour has affected your health, state the effect that it has had.	
5.	(i) Is the respondent's behaviour (as set out in your application and particulars) continuing? (ii) If the respondent's behaviour is not continuing, what was the date of the final incident relied upon by you in your application?	
6.	(i) Since the date given in answer to question 5 or, if no date is given in answer to that question, since the date of the petition have you lived at the same address as the respondent for a period of more than 6 months, or for periods which together amount, to more than 6 months? (ii) If so, state the address and the period or periods, giving dates to the best of your knowledge or belief, and describe the arrangements for sharing the accommodation. [State: <ul style="list-style-type: none"> <li>• whether you have shared a bedroom;</li> <li>• whether you have taken your meals together;</li> <li>• what arrangements you have made for cleaning the accommodation and for other domestic tasks;</li> <li>• what arrangements you have made for the payment of household bills and other expenses.]</li></ul>	
	<b><i>About the children of the family</i></b>	
7.	Have you read the Statement of Arrangements filed in this case?	
8.	Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions.	

*Rules of the High Court (Matrimonial Proceedings) 2004*

9.	Subject to these alterations and addition(s) (if any), is everything stated in your application [and Statement of Arrangements for the child(ren)] true and correct to the best of your knowledge and belief?	
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I ( <i>full name</i> )		
of ( <i>address</i> )		
( <i>occupation</i> )		
MAKE OATH and say as follows		
1.	I am the applicant in this case	
2.	The answers to Questions 1 to 9 are true.	
3.	I identify the signature* appearing on the copy acknowledgement of service now produced to me and marked 'A' as the signature of my husband/wife, the respondent in this case.	<i>Delete if the acknowledgement is signed by an advocate. *Insert name of the respondent exactly as it appears in the acknowledgement of service.</i>
4.	I exhibit marked 'B' a certificate/report of Dr	<i>Exhibit any medical report or document on which the applicant wishes to rely</i>
5.	I identify the signature* appearing at Part 4 of the Statement of Arrangements dated now produced to me and marked 'C' as the signature of the respondent.	<i>* Insert name of the respondent exactly as it appears on the Statement of Arrangements signed by him/her.</i>
6.	I ask the Court to make an order dissolving my marriage with the respondent* on the grounds stated in my application [and to order the respondent/co-respondent to pay the costs of this case]§	<i>*If the applicant seeks judicial separation, amend accordingly. §Amend or delete as appropriate.</i>

TAKEN and SWORN at

on

Before me

A Commissioner for Oaths

Rule 26(3)(a).

Form 7(c)

Affidavit by applicant in support of application under s.2(2)(c) (desertion)

[Heading as in Form 1]

AFFIDAVIT BY APPLICANT

	<i>Question</i>	<i>Answer</i>	
	<b><i>About the Application for a Divorce Order</i></b>		
1.	Have you read the application made in this case?		
2.	Do you wish to alter or add to any statement in the application? If so, state the alterations or additions.		
3.	Subject to these alterations (if any), is everything stated in your application true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your information and belief.		
4.	State the date on which you and the respondent separated and, if different, the date on which the alleged desertion began. Did you agree to the separation?		
5.	State briefly the facts you rely on in support of the allegation that the respondent deserted you, and your reason for saying that the desertion continued up to the making of the application.		
6.	Did the respondent ever offer to resume cohabitation?		
7.	State as far as you know the various addresses at which you and the respondent have respectively lived since the last date given in the answer to question 4, and the periods of residence at each address:		
	From to	<i>Petitioner's address</i>	From to
			<i>Respondent's address</i>
8.	Since the date given in the answer to Question 4, have you ever lived with the respondent in the same household? If so, state the addresses and the period or periods, giving dates.		
	<b><i>About the children of the family</i></b>		
9.	Have you read the Statement of Arrangements filed in this case?		

*Rules of the High Court (Matrimonial Proceedings) 2004*

10.	Do you wish to alter anything in the Statement of Arrangements or add to it?  If so, state the alterations or additions.	
11.	Subject to these alterations and addition(s) (if any), is everything stated in your application [and Statement of Arrangements for the child(ren)] true and correct to the best of your knowledge and belief?	

I ( <i>full name</i> )		
of ( <i>address</i> )		
( <i>occupation</i> )		
MAKE OATH and say as follows		
1.	I am the applicant in this case	
2.	The answers to Questions 1 to 11 are true.	
3.	I identify the signature*  appearing on the copy acknowledgement of service now produced to me and marked 'A' as the signature of my husband/wife, the respondent in this case.	<i>Delete if the acknowledgement is signed by an advocate.  *Insert name of the respondent exactly as it appears in the acknowledgement of service.</i>
4.	I identify the signature*  appearing at Part 4 of the Statement of Arrangements dated now produced to me and marked 'C' as the signature of the respondent.	<i>* Insert name of the respondent exactly as it appears on the Statement of Arrangements signed by him/her.</i>
5.		<i>Exhibit any other document on which the applicant wishes to rely.</i>
6.	I ask the Court to make an order dissolving my marriage with the respondent* on the grounds stated in my application [and to order the respondent/co-respondent to pay the costs of this case]§	<i>*If the applicant seeks judicial separation, amend accordingly.  §Amend or delete as appropriate.</i>

TAKEN and SWORN at

on

Before me

A Commissioner for Oaths

Rule 26(3)(a).

Form 7(d)

Affidavit by applicant in support of application under s.2(2)(d) (2 years' separation)

[Heading as in Form 1]

AFFIDAVIT BY APPLICANT

	<i>Question</i>		<i>Answer</i>
	<b><i>About the Application for a Divorce Order</i></b>		
1.	Have you read the application made in this case?		
2.	Do you wish to alter or add to any statement in the application? If so, state the alterations or additions.		
3.	Subject to these alterations (if any), is everything stated in your application true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your information and belief.		
4.	State the date on which you and the respondent separated.		
5.	State briefly the reason or main reason for separation.		
6.	State the date when and the circumstances in which you came to the conclusion that the marriage was in fact at an end.		
7.	State as far as you know the various addresses at which you and the respondent have respectively lived since the last date given in the answer to question 4, and the periods of residence at each address:		
	From to	<i>Petitioner's address</i>	From to  <i>Respondent's address</i>
8.	Since the date given in the answer to Question 5, have you ever lived with the respondent in the same household? If so, state the addresses and the period or periods, giving dates.		
	<b><i>About the children of the family</i></b>		
9.	Have you read the Statement of Arrangements filed in this case?		
10.	Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions.		
11.	Subject to these alterations and addition(s) (if any), is everything stated in your application [and Statement of Arrangements for the child(ren)] true and correct to the best of your knowledge and belief?		

*Rules of the High Court (Matrimonial Proceedings) 2004*

I ( <i>full name</i> )		
of ( <i>address</i> )		
( <i>occupation</i> )		
MAKE OATH and say as follows		
1.	I am the applicant in this case	
2.	The answers to Questions 1 to 10 are true.	
3.	I identify the signature* appearing on the copy acknowledgement of service now produced to me and marked 'A' as the signature of my husband/wife, the respondent in this case.	<i>Delete if the acknowledgement is signed by an advocate. *Insert name of the respondent exactly as it appears in the acknowledgment of service.</i>
4.	I identify the signature* appearing at Part 4 of the Statement of Arrangements dated now produced to me and marked 'C' as the signature of the respondent.	<i>* Insert name of the respondent exactly as it appears on the Statement of Arrangements signed by him/her.</i>
5.		<i>Exhibit any other document on which the applicant wishes to rely.</i>
6.	I ask the Court to make an order dissolving my marriage with the respondent* on the grounds stated in my application [and to order the respondent/co-respondent to pay the costs of this case]§	<i>*If the applicant seeks judicial separation, amend accordingly. §Amend or delete as appropriate.</i>

TAKEN and SWORN at

on

Before me

A Commissioner for Oaths

Rule 26(3)(a).

Form 7(e)

Affidavit by applicant in support of application under s.2(2)(e) (5 years' separation)

[Heading as in Form 1]

AFFIDAVIT BY APPLICANT

	<i>Question</i>		<i>Answer</i>	
	<b><i>About the Application for a Divorce Order</i></b>			
1.	Have you read the application made in this case?			
2.	Do you wish to alter or add to any statement in the application? If so, state the alterations or additions.			
3.	Subject to these alterations (if any), is everything stated in your application true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your information and belief.			
4.	State the date on which you and the respondent separated.			
5.	State briefly the reason or main reason for separation.			
6.	State the date when and the circumstances in which you came to the conclusion that the marriage was in fact at an end.			
7.	State as far as you know the various addresses at which you and the respondent have respectively lived since the last date given in the answer to question 4, and the periods of residence at each address:			
	From to	<i>Petitioner's address</i>	From to	<i>Respondent's address</i>
8.	Since the date given in the answer to Question 5, have you ever lived with the respondent in the same household? If so, state the addresses and the period or periods, giving dates.			
	<b><i>About the children of the family</i></b>			
9.	Have you read the Statement of Arrangements filed in this case?			
10.	Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions.			
11.	Subject to these alterations and addition(s) (if any), is everything stated in your application [and Statement of Arrangements for the child(ren)] true and correct to the best of your knowledge and belief?			

*Rules of the High Court (Matrimonial Proceedings) 2004*

I ( <i>full name</i> )		
of ( <i>address</i> )		
( <i>occupation</i> )		
MAKE OATH and say as follows		
1.	I am the applicant in this case	
2.	The answers to Questions 1 to 10 are true.	
3.	I identify the signature* appearing on the copy acknowledgement of service now produced to me and marked 'A' as the signature of my husband/wife, the respondent in this case.	<i>Delete if the acknowledgement is signed by an advocate. *Insert name of the respondent exactly as it appears in the acknowledgement of service.</i>
4.	I identify the signature* appearing at Part 4 of the Statement of Arrangements dated now produced to me and marked 'C' as the signature of the respondent.	<i>* Insert name of the respondent exactly as it appears on the Statement of Arrangements signed by him/her.</i>
5.		<i>Exhibit any other document on which the applicant wishes to rely.</i>
6.	I ask the Court to make an order dissolving my marriage with the respondent* on the grounds stated in my application [and to order the respondent/co-respondent to pay the costs of this case]§	<i>*If the applicant seeks judicial separation, amend accordingly. §Amend or delete as appropriate.</i>

TAKEN and SWORN at

on

Before me

A Commissioner for Oaths

Rules of the High Court (Matrimonial Proceedings) 2004

Rule 43(1).

Form 8

Application under rule 43

[Heading as in form 1]

APPLICATION BY RESPONDENT TO CONSIDER FINANCIAL POSITION AFTER DIVORCE

*Matrimonial Proceedings Act 2003*

The respondent applies to the Court under section 9(2) of the Matrimonial Proceedings Act 2003 for the Court to consider the financial position of the respondent after the divorce.	
Date	Signed  [Advocate for] Applicant

To the applicant:

The application will be heard by a Deemster in chambers at the Isle of Man Courts of Justice, Douglas on [a date to be fixed] [*date and time* The time allowed for the hearing of the application will be [*period*].]

[*Unless the applicant has already filed an affidavit in connection with an application for financial provision under rule 56(3), add —*

You must send to the Chief Registrar, Isle of Man Courts of Justice, Douglas IM1 3AR so as to reach him within 14 days after you receive this notice, an affidavit giving full particulars of your property and income. You must at the same time send a copy of your affidavit to the [advocate for] the respondent. A standard form of affidavit may be obtained from the Court office.

If you wish to allege that the respondent has property or income, you should say so in your affidavit].

Rule 47(1).

Form 9

Application for provisional order to be made final

[Heading as in form 1]

APPLICATION FOR PROVISIONAL ORDER TO BE MADE FINAL

*Matrimonial Proceedings Act 2003*

The [applicant] [respondent] applies for the provisional [divorce] [annulment] order made in these proceedings on [ <i>date</i> ] to be made final.	
Date	Signed  [Advocate for] [Applicant] [Respondent]

Rule 49(2).

Form 10

Certificate of final divorce order

[Heading as in form 1]

CERTIFICATE OF FINAL DIVORCE ORDER

*Matrimonial Proceedings Act 2003*

A provisional divorce order was made in this case on *[date of provisional order]* by which it was ordered that the marriage solemnized on *[date of marriage]* at *[place]* between the applicant and the respondent be dissolved unless sufficient cause be shown to the Court within *[time]* from the date of the order why the order should not be made final.

No such cause having been shown, it is hereby certified that the order was on *[date of final order]* made final and that the said marriage was thereby dissolved.

Dated

*Note: Divorce affects inheritance under a will.*

*Where a will has already been made by either party to the marriage then, by virtue of section 8 of the Wills Act 1985, from the above date on which the divorce order was made final —*

- (a) any appointment of the former spouse as an executor or trustee is treated as if omitted; and*
- (b) any gift in the will to the former spouse lapses;*

*unless a contrary intention appears in the will.*

Rule 49(2).

Form 11

Certificate of final annulment order

[Heading as in form 1]

CERTIFICATE OF FINAL ANNULMENT ORDER

*Matrimonial Proceedings Act 2003*

*In case of void marriage*

[A provisional annulment order was made in this case on *[date of provisional order]* whereby it was ordered that the marriage solemnized on *[date of marriage]* at *[place]* between the applicant and the respondent be declared to have been by law void and the applicant *[name]* be pronounced to have been and to be free of all bond of marriage with the respondent *[name]* unless sufficient cause be shown to the court within *[time]* from the making thereof why the order should not be made final.

No such cause having been shown, it is hereby certified that the order was on the *[date of final order]* made final and that the said marriage was by law void and that the said petitioner has been and is free from all bond of marriage with the respondent.]

*In case of voidable marriage*

[A provisional annulment order was made in this case on *[date of provisional order]* whereby it was ordered that the marriage solemnized on *[date of marriage]* at *[place]* between the applicant and the respondent be annulled unless sufficient cause be shown to the Court within *[time]* from the date of the order why the order should not be made final.

No such cause having been shown, it is hereby certified that the order was on *[date of final order]* made final and that the applicant was from that date and is free from all bond of marriage with the respondent.]

Dated

*Note: Annulment affects inheritance under a will.*

*Where a will has already been made by either party to the marriage then, by virtue of section 8 of the Wills Act 1985, from the above date on which the order was made final —*

- (a) any appointment of the former spouse as an executor or trustee is treated as if omitted; and*
- (b) any gift in the will to the former spouse lapses;*

*unless a contrary intention appears in the will.*

Rule 52

Form 12

Application for financial provision

[Heading as in form 1]

APPLICATION FOR FINANCIAL PROVISION

*Matrimonial Proceedings Act 2003*

The [applicant] [respondent] applies for [ <i>financial provision claimed, stating the terms of any agreement as to the order which the Court is to be asked to make and, in the case of an application for a property adjustment order or an avoidance of disposition order, the nature of the adjustment proposed or the disposition to be set aside</i> ].
---

Date	Signed  [Advocate for] [Applicant] [Respondent]
------	---

To the [respondent] [applicant]:

The application will be heard by a Deemster in chambers at the Isle of Man Courts of Justice, Douglas on [a date to be fixed] [*date and time*] The time allowed for the hearing of the application will be [*period*].

[*Unless the parties are agreed upon the terms of the proposed order, or the application is for a variation order, add —*

You must send to the Chief Registrar, Isle of Man Courts of Justice, Douglas IM1 3AR so as to reach him within 14 days after you receive this notice, an affidavit giving full particulars of your property and income. You must at the same time send a copy of your affidavit to the [advocate for] the [applicant] [respondent]. A standard form of affidavit may be obtained from the Court office.

If you wish to allege that the [applicant] [respondent] has property or income, you should say so in your affidavit].

Rules of the High Court (Matrimonial Proceedings) 2004

Rule 57(1).

Form 13

Notice of intention to proceed with application for financial provision made in initial application or answer

[Heading as in form 1]

NOTICE OF INTENTION TO PROCEED WITH APPLICATION FOR FINANCIAL PROVISION

The [applicant] [respondent], having applied in [his][her] [initial application][answer] for the following financial provision, intends to proceed with that application, namely [*here set out the financial provision claimed and intended to be proceeded with, stating the terms of any agreement as to the order which the court is to be asked to make.*]

Date	Signed  [Advocate for] [Applicant] [Respondent]
------	---

To the [respondent] [applicant]:

[Add where applicable:—

The application will be heard by a Deemster in chambers at the Isle of Man Courts of Justice, Douglas on [a date to be fixed] [*date and time*] The time allowed for the hearing of the application will be [*period*].]

[Unless the parties are agreed upon the terms of the proposed order, or the application is for a variation order, continue as in Form 12]

Rule 59(1).

Form 14

Notice of allegation in proceedings for financial provision

[Heading as in form 1]

NOTICE OF ALLEGATION

TAKE NOTICE that this affidavit has been filed in proceedings for [*state nature of application*] and that if you wish to be heard on any matter affecting you in the proceedings you may intervene by applying to the Court, within 14 days after you receive this notice, for directions as to the filing and service of pleadings and as to the further conduct of the proceedings.

Date	Signed  [Advocate for] [Applicant] [Respondent]
------	---

Rule 65(2).

Form 15

Notice of request for periodical payments order at same rate as order for maintenance pending suit  
[Heading as in form 1]

NOTICE OF REQUEST

To the [respondent] [applicant]

The [applicant][respondent] on [date] obtained an order for payment by you of maintenance pending suit at the rate of £ , and in [his][her] [initial application][answer] applied for a periodical payments order for [himself][herself],

The [applicant][respondent] has requested the Court to make a periodical payments order for [himself][herself] providing for payments by you at the same rate as those mentioned above.

If you object to the making of such a periodical payments order, you must give notice to that effect to the Chief Registrar and the [applicant] [respondent] within 14 days after service of this notice on you, and if you do not do so, the Court may make such a periodical payments order without further notice to you.

Date

Signed

[Advocate for] [Applicant] [Respondent]

Rule 68(1).

Form 16

Application for financial provision on ground of failure to provide reasonable maintenance  
[Heading as in Form 1]

APPLICATION FOR FINANCIAL PROVISION

(Matrimonial Proceedings Act 2003 s.38)

1.	The applicant is the [wife][ husband] of the respondent.
2.	The applicant claims that the respondent has failed to provide reasonable maintenance for [her] [him] [and has failed to provide, or to make a proper contribution towards, maintenance for the child[ren] of the family, namely  <i>[full names of children]</i>
3.	The applicant applies for an order for <i>[financial provision claimed]</i>
4.	The applicant's address for service is <i>[name and address of advocate, or other address in the Isle of Man to which documents for the applicant may be delivered or sent]</i>
Date	Signed  [Advocate for] Applicant

Rules 68(4) & 69(3).

Form 17

Notice of application under rule 68 or 69

[Heading as in Form 1]

NOTICE OF APPLICATION [FOR FINANCIAL PROVISION] [TO VARY MAINTENANCE AGREEMENT]

This application will be heard at the Isle of Man Courts of Justice [on *[date]* at *[time]*] [on a day to be fixed], and if you do not attend at that place and time, such order will be made as the Court thinks just.

A copy of the application [and of the affidavit in verification] is delivered with this notice.

You must complete the accompanying acknowledgement of service and send it so as to reach the Chief Registrar, Isle of Man Courts of Justice, Douglas IM1 3AR, within 14 days after you receive this notice. Delay in returning the form may add to the costs.

*[Where application is under rule 68]* If you wish to challenge the jurisdiction of the court to hear this application you must file an affidavit stating the grounds of your challenge. In any other case (or where the court decides the question of jurisdiction in the applicant's favour) you must file an affidavit stating (a) whether the alleged failure is admitted or denied, and if denied the grounds on which you rely, (b) any allegation which you wish to make against the applicant, and (c) full particulars of your property and income, unless otherwise directed. In either case the affidavit must be sent together with a copy for the applicant, so as to reach the court within 14 days after the time allowed for sending the acknowledgement of service (or, if you have unsuccessfully challenged the jurisdiction, within 14 days after the court has decided that the necessary jurisdiction exists). If you include in your affidavit an allegation of adultery or of an improper association with a named person, the affidavit must be accompanied by an extra copy for service on that person.

*[Where application is under rule 69]* You must also file an affidavit in answer to the application, setting out any grounds on which you intend to contest the application and containing full particulars of your property and income. You must send the affidavit so as to reach the Chief Registrar, Isle of Man Courts of Justice, Douglas IM1 3AR, within 14 days after the time allowed for sending the acknowledgement of service, and at the same time serve a copy on the applicant.

If you intend to instruct an advocate to act for you, you should at once give him all the documents which have been served on you, so that he may take the necessary steps on your behalf.

Date

Signed

[Advocate for] Applicant

To the Respondent

*[Here set out Form 6]*

*Rules of the High Court (Matrimonial Proceedings) 2004*

Rule 69(1)

Form 18

Application for alteration of maintenance agreement during parties' lifetime

[Heading as in Form 1]

APPLICATION FOR ALTERATION OF MAINTENANCE AGREEMENT

*(Matrimonial Proceedings Act 2003 s.50)*

1.	The applicant is the [wife][husband] of the respondent.
2.	The applicant was lawfully married to the respondent on [date] at [place]
3.	The applicant resides at [address]
4.	The respondent resides at [address]
5.	<i>Unless both parties are resident in the Isle of Man</i> The applicant and the respondent are both domiciled in the Isle of Man <i>or as the case may be</i>
6.	There are [no] [the following] living children of the family [namely — <i>[full name of each child and date of birth and, if aged 16 or 17, whether receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation]</i> ]
7.	There are [no] [the following] proceedings in a court in the Isle of Man or elsewhere with reference to the marriage or to any child of the family or between the applicant and the respondent with reference to any property of either or both of them — <i>[nature of proceedings, with date and effect of any decree or order]</i>
8.	The applicant applies for an order altering the maintenance agreement made between the applicant and the respondent on [date], as follows — <i>[particulars of alteration applied for]</i>
9.	The applicant's means are as follows:
10.	The facts on which the applicant relies to justify the alteration are as follows:
11.	The applicant's address for service is <i>[name and address of advocate, or other address in the Isle of Man to which documents for the applicant may be delivered or sent]</i>
Date	
Signed  [Advocate for] Applicant	

*Rules of the High Court (Matrimonial Proceedings) 2004*

Rule 70(1).

Form 19

Application for alteration of maintenance agreement after death of one party

[Heading as in Form 1]

APPLICATION FOR ALTERATION OF MAINTENANCE AGREEMENT

*(Matrimonial Proceedings Act 2003 s.51)*

1.	The applicant [is] [are] the [former wife] [former husband] [personal representatives] of <i>[name of deceased]</i> ("the deceased") who died on <i>[date of death]</i> domiciled in the Isle of Man.
2.	The respondent [is] [are] the [personal representatives] [former wife] [former husband] of the deceased.
3.	The [applicant] [respondent] resides at <i>[address]</i>
4.	There are [no] [the following] living children of the family [namely — <i>[full name of each child and date of birth and, if aged 16 or 17, whether receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation]</i> ]
5.	There are [no] [the following] proceedings in a court in the Isle of Man or elsewhere with reference to the marriage or to any child of the family or to any property of the deceased — <i>[nature of proceedings, with date and effect of any order]</i>
6.	The applicant applies for an order altering the maintenance agreement made between the [applicant] [respondent] and the deceased on <i>[date]</i> , as follows — <i>[particulars of alteration applied for]</i>
7.	<i>If application is made by party to marriage</i> The applicant's means are as follows:
8.	The facts on which the applicant relies to justify the alteration are as follows:
9.	The applicant's address for service is <i>[name and address of advocate, or other address in the Isle of Man to which documents for the applicant may be delivered or sent]</i>
Date	
Signed  [Advocate for] Applicant	

Rules of the High Court (Matrimonial Proceedings) 2004

Rule 73(1).

Form 20

Application for summary determination of property dispute

[Heading as in Form 1]

APPLICATION FOR SUMMARY DETERMINATION OF PROPERTY DISPUTE

(Matrimonial Proceedings Act 2003 s.128)

1.	The applicant is the [former] [wife] [husband] of the respondent.
2.	The applicant applies for an order for <i>[set out terms of order sought]</i>
3.	[The title to the land the subject of this application is [unregistered] [registered under title number            ] ]
4.	[The land the subject of this application is subject to a mortgage in favour of <i>[name and address of mortgagee]</i> ]
5.	The applicant's address for service is <i>[name and address of advocate, or other address in the Isle of Man to which documents for the applicant may be delivered or sent]</i>
Date	Signed  [Advocate for] Applicant

Rule 73(2).

Form 21

Application in existing proceedings for summary determination of property dispute

[Heading as in Form 1]

APPLICATION FOR SUMMARY DETERMINATION OF PROPERTY DISPUTE

(Matrimonial Proceedings Act 2003 s.128)

1.	This application is made by the [applicant] [respondent] in these proceedings.
2.	The [applicant] [respondent] applies for an order for <i>[set out terms of order sought]</i>
3.	[The title to the land the subject of this application is [unregistered] [registered under title number            ] ]
4.	[The land the subject of this application is subject to a mortgage in favour of <i>[name and address of mortgagee]</i> ]
Date	Signed  [Advocate for] [Applicant] [Respondent]

Rule 74(1).

Form 22

Application for occupation order or non-molestation order

[Heading as in form 1]

APPLICATION FOR [OCCUPATION ORDER] [NON-MOLESTATION ORDER]

(Matrimonial Proceedings Act 2003 Part 5)

1.	<p>The applicant and the respondent                  [are married] [were married]                  [are cohabiting] [were cohabiting]                  [are living in the same household] [were living in the same household]                  [related as <i>[state relationship]</i>]                  [agreed to marry] [<i>state date of agreement and, if it has ended, when</i>]                  [are parents of a child] [<i>state name and date of birth</i>]                  [have parental responsibility for a child] [<i>state name and date of birth</i>]  <i>or as the case may be</i></p>
<i>If application is for a non-molestation order</i>	
2.	<b>The applicant applies for an order that the respondent shall not</b> [ <i>specify terms of order as in Form 27</i> ]
<i>If application is for an occupation order</i>	
3.	This application relates to [ <i>address of dwelling-house</i> ] which [was] [is] [was intended to be] occupied by [the applicant] [the respondent] [the applicant and the respondent]
4.	The applicant [is] [is not] entitled to occupy the dwelling-house [ <i>if entitled, state why</i> ]
5.	The respondent [is] [is not] entitled to occupy the dwelling-house [ <i>if entitled, state why</i> ]
6.	<p>The applicant is</p> <ol style="list-style-type: none"> <li>a. [a spouse who has matrimonial home rights in the dwelling-house]</li> <li>b. [a person who is entitled to occupy the dwelling-house by virtue of a beneficial estate or interest or contract]</li> <li>c. [a former spouse with no existing right to occupy the dwelling-house and the respondent former spouse is entitled to occupy it]</li> <li>d. [a cohabitant with no existing right to occupy the dwelling-house and the respondent cohabitant is entitled to occupy it]</li> <li>e. [a former cohabitant with no existing right to occupy the dwelling-house and the respondent former cohabitant is entitled to occupy it]</li> <li>f. [a spouse who is not entitled to occupy the dwelling-house, where the respondent spouse is also not entitled]</li> <li>g. [a former spouse who is not entitled to occupy the dwelling-house, where the respondent former spouse is also not entitled]</li> <li>h. [a cohabitant who is not entitled to occupy the dwelling-house, where the respondent cohabitant or is also not entitled]</li> <li>i. [a former cohabitant who is not entitled to occupy the dwelling-house, where the respondent former cohabitant is also not entitled]</li> </ol>

*Rules of the High Court (Matrimonial Proceedings) 2004*

7.	<i>If the applicant has matrimonial home rights</i> The title to the dwelling-house is [unregistered] [registered under Land Registry title number ]
8.	<i>If dwelling-house is occupied under a tenancy</i> The landlord of the dwelling-house is [name and address]
9.	<i>If dwelling-house is subject to a mortgage</i> The mortgagee of the dwelling-house is [name and address]
10.	<b>The applicant applies for an order</b> that [specify terms of order as in Form 27]
<i>In all cases</i>	
11.	The reasons for applying for this order are [specify grounds of application]
12.	[There are no children] [The following children are] [The following child is] living or staying with, or likely to live with or stay with, the applicant or the respondent [state name(s) and date(s) of birth]
13.	[There is no other person] [The following persons are] [The following person is] living in the same household as the applicant or the respondent [state name(s) and reason for living there]
14.	[There are no other current proceedings or orders in force] [The following [proceedings are current] [orders are in force] involving the applicant and the respondent [state type of proceedings or orders, court and case number]
15.	The names and addresses of the persons to be served with this application are: <i>and/or</i> The applicant requests that this application be heard without notice to the respondent, for the reasons given in the affidavit in support.
16.	The applicant's address for service is [name and address of advocate, or other address in the Isle of Man to which documents for the applicant may be delivered or sent]
Date	Signed  [Advocate for] Applicant

Rule 74(9).

Form 23

Order transferring proceedings

[Heading as in form 1]

ORDER TRANSFERRING PROCEEDINGS

*Matrimonial Proceedings Act 2003 Part 5*

By *[name of judge]*

The Court being of the opinion that the application for [an occupation order] [a non-molestation order] in these proceedings would be more conveniently dealt with by a court of summary jurisdiction

IT IS ORDERED that these proceedings be stayed and that the application be heard and determined by the [[Deputy] High Bailiff] [Magistrates' Court sitting at Douglas]

Date

Signed

Deemster

Rule 74(10).

Form 24

Notice to mortgagees and landlords

[Heading as in form 1]

NOTICE TO [MORTGAGEE] [LANDLORD]

*Matrimonial Proceedings Act 2003 Part 5*

To <i>[name and address]</i>	concerning the dwelling-house at <i>[address]</i>
An [application] [order] has been made in proceedings under Part 5 of the Matrimonial Proceedings Act 2003 which affects the occupation of the above dwelling-house and the payment of the [mortgage] [rent] on it. [A copy of the order is attached.] [The next hearing is at <i>[time and place]</i> ] If either the applicant or respondent has matrimonial home rights: you may apply to be made a party to these proceedings if you wish. If neither the applicant nor the respondent has matrimonial home rights, or you do not wish to be made a party: you may make representations to the court about these proceedings. This should be done by letter addressed to the Chief Registrar, Isle of Man Courts of Justice, Douglas IM1 3AR.	
Date	Signed  [Advocate for] Applicant

*Rules of the High Court (Matrimonial Proceedings) 2004*

Rule 74(12)

Form 25

Statement of Service

[Heading as in form 1]

STATEMENT OF SERVICE

*Matrimonial Proceedings Act 2003 Part 5*

I certify that notice of the application in this case was served on the other parties [and on any landlord or mortgagee of the dwelling-house as follows:

<i>Name and address of person served</i>	<i>Means of identification of person, and how, when and where served</i>	<i>Documents served</i>
Date	Signed  [Advocate for] Applicant	

Notes

This form must be filed with the Court on or before the first directions appointment or hearing of the proceedings

If the person's advocate was served, give his or her name and address

Indicate the manner, date, time and place of service or, where service was effected by post, the date, time and place of posting

Rule 75(6).

Form 26

Part 5 Order

[Heading as in form 1]

ORDER

*Matrimonial Proceedings Act 2003 Part 5*

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*Where order includes a non-molestation order or occupation order*

IMPORTANT NOTICE to the respondent *[name]* or as the case may be

This order gives you instructions which you must follow. You should read it all carefully. If you do not understand anything in this order you should go to an advocate.

You have a right to ask the Court to change or cancel the order, but you must obey it unless the Court does change or cancel it.

**[If you do not obey the instructions contained in this order, you will be guilty of contempt of court and you may be sent to prison.]** *[must be included in case of non-molestation order]*

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By *[name of judge]*

On the application of *[name]* the *[applicant]* *[respondent]* in these proceedings or as the case may be

IT IS ORDERED as follows:—

*Occupation orders (Matrimonial Proceedings Act 2003 s.95)*

1. The Court declares that the applicant *[name]* is entitled to occupy *[address of dwelling-house]* as *[his]* *[her]* home.
2. The Court declares that the applicant *[name]* has matrimonial home rights in *[address of dwelling-house]*
3. The Court declares that the applicant *[name]*'s matrimonial home rights shall not end when the respondent *[name]* dies or their marriage is dissolved and shall continue until *[date or event]* or further order.
4. The respondent *[name]* shall allow the applicant *[name]* to occupy *[address of dwelling-house]*
5. The respondent *[name]* shall allow the applicant *[name]* to occupy part of *[address of dwelling-house]* namely: *[specify part]*
6. The respondent *[name]* shall not obstruct, harass or interfere with the applicant *[name]*'s peaceful occupation of *[address of dwelling-house]*
7. The respondent *[name]* shall not occupy *[address of dwelling-house]*
8. The respondent *[name]* shall not occupy *[address of dwelling-house]* from *[date]* until *[date]*
9. The respondent *[name]* shall not occupy the following part of *[address of dwelling-house]* namely *[specify part]*
10. The respondent *[name]* shall not occupy *[part of]* *[address of dwelling-house]* *[namely: [specify part]]* between *[specify dates or times]*
11. The respondent *[name]* shall leave *[part of]* *[address of dwelling-house]* *[namely: [specify part]]* *[forthwith]* *[within [specify period]]* of service on *[him][her]* of this order.]
12. Having left *[part of]* *[address of dwelling-house]* *[namely: [specify part]]*, the respondent *[name]* shall not return to, enter or attempt to enter *[or go within [specify distance]]* of it.

*Occupation orders (Matrimonial Proceedings Act 2003 ss.97 & 98)*

13. The applicant *[name]* has the right to occupy *[address of dwelling-house]* and the respondent *[name]* shall allow the applicant *[name]* to do so.

14. The respondent *[name]* shall not evict or exclude the applicant *[name]* from [the following part of] *[address of dwelling-house]* [namely *[specify part]*]
15. The respondent *[name]* shall not occupy *[address of dwelling-house]*
16. The respondent *[name]* shall not occupy *[address of dwelling-house]* from *[date]* until *[date]*
17. The respondent *[name]* shall not occupy the following part of *[address of dwelling-house]* namely *[specify part]*
18. The respondent *[name]* shall leave [the following part of] *[address of dwelling-house]* [namely *[specify part]*] [forthwith] [within *[period]*] of service on [him] [her] of this order.
19. Having left [the following part of] *[address of dwelling-house]* [namely *[specify part]*], the respondent *[name]* shall not return to, enter or attempt to enter [or go within *[specify distance]*] of it.

*Occupation orders (Matrimonial Proceedings Act 2003 ss.100 & 101)*

20. The respondent *[name]* shall allow the applicant *[name]* to occupy [the following part of] *[address of dwelling-house]* [namely *[specify part]*]
21. The respondent *[name]* shall not obstruct, harass or interfere with the applicant *[name]*'s peaceful occupation of *[address of dwelling-house]*
22. The respondent *[name]* shall not occupy [part of] *[address of dwelling-house]* [namely: *[specify part]*] between *[specify dates or times]*
23. The respondent *[name]* shall leave [part of] *[address of dwelling-house]* [namely: *[specify part]*] [forthwith] [within *[period]*] of service on [him] [her] of this order.]
24. Having left [part of] *[address of dwelling-house]* [namely: *[specify part]*], the respondent *[name]* may not return to, enter or attempt to enter [or go within *[specify distance]*] of it.

*Additional provisions which may be included in occupation orders made under Matrimonial Proceedings Act 2003 s.95, 97 or 98*

25. The [applicant] [respondent] *[name]* shall maintain and repair *[address of dwelling-house]*
26. The [applicant] [respondent] *[name]* shall pay the rent for *[address of dwelling-house]*
27. The [applicant] [respondent] *[name]* shall make the mortgage payments on *[address of dwelling-house]*
28. The [applicant] [respondent] *[name]* shall pay the following outgoings on *[address of dwelling-house]*: *[specify outgoings]*
29. The [applicant] [respondent] *[name]* shall pay to the [respondent] [applicant] [other party] *[name]* £ each [week] [month] for the occupation of *[address of dwelling-house]*
30. The [applicant] [respondent] *[name]* shall keep and use the [furniture] [contents] *[specify if necessary]* of *[address of dwelling-house]* and the [respondent] [applicant] *[name]* shall return to the [applicant] [respondent] *[name]* the [furniture] [contents] *[specify if necessary]* [not later than *[date]*]
31. The [applicant] [respondent] *[name]* shall take reasonable care of the [furniture] [contents] *[specify if necessary]* of *[address of dwelling-house]*.
32. The [applicant] [respondent] *[name]* shall take all reasonable steps to keep secure *[address of dwelling-house]* and the furniture or other contents *[specify if necessary]*.

*Duration: occupation orders (Matrimonial Proceedings Act 2003 s.95)*

33. This order shall last until *[specify event or date]*.
34. This order shall last until a further order is made.

*Duration: occupation orders (Matrimonial Proceedings Act 2003 ss.97 & 98)*

35. This order shall last until *[date not more than 6 months from date of order]*.
36. The occupation order made on *[date]* is extended until *[date not more than 6 months from the date of extension]*.

*Rules of the High Court (Matrimonial Proceedings) 2004*

*Duration: occupation orders (Matrimonial Proceedings Act 2003 ss.100 & 101)*

37. This order shall last until *[date not more than 6 months from date of order]*.

38. The occupation order made on *[date]* is extended until *[date not more than 6 months from date of extension]* and must end on that date.

*Non-molestation orders (Matrimonial Proceedings Act 2003 s.104)*

39. The respondent *[name]* is forbidden to use or threaten violence against the applicant *[name]* [or to instruct, encourage or in any way suggest that any other person should do so].

40. The respondent *[name]* is forbidden to intimidate, harass or pester [or *[specify]*] the applicant *[name]* [or to instruct, encourage or in any way suggest that any other person should do so].

41. The respondent *[name]* is forbidden to use or threaten violence against the relevant child[ren] *[name(s) and date(s) of birth]* [or to instruct, encourage or in any way suggest that any other person should do so].

42. The respondent *[name]* is forbidden to intimidate, harass or pester [or *[specify]*] [the relevant child[ren] *[name(s) and date(s) of birth]* [or to instruct, encourage or in any way suggest that any other person should do so].

*Power of arrest*

*If a power of arrest is attached to any provision of the order, set out power of arrest as in Form 28*

Date

Signed

Deemster

*Rules of the High Court (Matrimonial Proceedings) 2004*

Rule 75(8).

Form 27

Application in existing proceedings to vary, extend or revoke a Part 5 order

[Heading as in form 1]

APPLICATION TO VARY, EXTEND OR REVOKE AN ORDER

*Matrimonial Proceedings Act 2003 Part 5*

1.	The person making this application is [the applicant] [the respondent] in these proceedings <i>or as the case may be (if not already a party, give person's name, address and nature of interest in dwelling-house or proceedings)</i>
2.	This application relates to the order made by this Court on [date]
3.	Application is made to [vary] [extend] [revoke] that order <i>[if for variation or extension, specify terms of order applied for]</i>
4.	The reasons for applying for this order are <i>[specify grounds of application]</i>
5.	The names and addresses of the persons to be served with this application are:
6.	The applicant's address for service is <i>[name and address of advocate, or other address in the Isle of Man to which documents for the applicant may be delivered or sent]</i>
Date	Signed  [Advocate for] Applicant

Rule 76(1).

Form 28

Power of arrest

[Heading as in form 1]

EXTRACT OF COURT ORDER CONFERRING POWER OF ARREST

*Matrimonial Proceedings Act 2003 Part 5*

By *[name of judge]*

The Court orders that a power of arrest applies to the following paragraph(s) of an order made under this Act on the *[date]*:

*[set out provisions of order to which power of arrest is attached and no others]*

The court is satisfied that the respondent has used or threatened violence against *[the applicant]* *[and]* *[the following child[ren] [name(s) and date(s) of birth]]* *[and that there is a risk of significant harm to [the applicant] [and] [or] [the above child[ren]] attributable to the conduct of the respondent if the power of arrest is not attached immediately].*

A power of arrest is attached to the order whereby any constable may (under the power given by section 109(5) of the Matrimonial Proceedings Act 2003) arrest without warrant the respondent *[name]* if the constable has any reasonable cause for suspecting that the respondent may be in breach of any provision to which the power of arrest is attached.

This power of arrest expires on *[date]*

Date

Signed

Deemster

**Note to the arresting officer**

Where the respondent is arrested under the power given by section 109 of the Matrimonial Proceedings Act 2003, that section requires that the respondent must be brought before a judge of the High Court within 24 hours of the time of his arrest, and if the matter is not then disposed of forthwith, the Court may remand the respondent.

Nothing in section 109 authorises the detention of the respondent after the expiry of the period of 24 hours beginning at the time of his arrest unless remanded by the Court.

The period of 24 hours shall not include Christmas Day, Good Friday or a Sunday.

Rules of the High Court (Matrimonial Proceedings) 2004

Rule 76(3).

Form 29

Application for warrant of arrest

[Heading as in form 1]

APPLICATION FOR WARRANT OF ARREST

*Matrimonial Proceedings Act 2003 Part 5*

1.	On the <i>[date]</i> the Court made an order as follows: <i>[set out provisions of order relevant to this application]</i>
2.	The applicant applies for an order that a warrant be issued for the arrest of the respondent <i>[name]</i>
3.	The respondent has disobeyed the order by <i>[specify the way(s) in which it is alleged that the respondent has disobeyed the order]</i>
Date	Signed  [Advocate for] Applicant

Rule 81(1).

Form 30

Application for leave to make application under Part 4

[Heading as in form 1]

APPLICATION FOR LEAVE TO MAKE APPLICATION

*Matrimonial Proceedings Act 2003 Part 4*

The applicant applies for leave to make an application for an order for financial relief under Part 4 of the Matrimonial Proceedings Act 2003	
Date	Signed  [Advocate for] Applicant

Rule 81(1).

Form 31

Application for financial relief under Part 4

[Heading as in form 1]

APPLICATION FOR FINANCIAL RELIEF AFTER FOREIGN DIVORCE

*Matrimonial Proceedings Act 2003 Part 4*

The applicant applies for the following financial relief under Part 4 of the Matrimonial Proceedings Act 2003 — <i>[specify relief claimed]</i>	
Date	Signed  [Advocate for] Applicant

Rule 82(2).

Form 32

Notice of proceedings and acknowledgement of service

[Heading as in form 1]

NOTICE OF PROCEEDINGS

Read carefully this Notice of Proceedings before answering the questions which follow.

TAKE NOTICE that an application [for financial relief][to prevent a transaction] has been presented to this Court. A copy of it and a copy of the applicant's affidavit in support are delivered with this notice.

1. You must complete and detach the acknowledgement of service and send it so as to reach the Chief Registrar, Isle of Man Courts of Justice, Douglas, Isle of Man IM1 3AR within 31 days after you receive this notice, inclusive of the day of receipt. Delay in returning the form may add to the costs.
2. If you wish to dispute the claim made by the applicant you must file in the Court office an affidavit in answer within 28 days after the time allowed for sending the acknowledgement of service.
3. If you intend to instruct a lawyer to act for you, you should at once give him all the documents which have been served on you, so that he may send the acknowledgement to the Court office on your behalf. If you do not intend to instruct a lawyer, you should nevertheless give an address for service in the acknowledgement so that any documents affecting your interest which are sent to you will in fact reach you. This should be your place of residence or, if you do not reside in the Isle of Man, the address of a place in the Isle of Man to which documents may be sent to you. Change of address should be notified to the Chief Registrar.

ACKNOWLEDGEMENT OF SERVICE

[Heading as in form 1]

1.	Have you received a copy of the application and a copy of the supporting affidavit in respect of the proceedings mentioned above?	
2.	On what date and at what address did you receive them?	Date: Address:
3.	Are you the person named as the respondent in the application?	
4.	Do you intend to defend the case?  If your answer to this question is yes you must follow the instructions in paragraph 2 of the Notice of Proceedings.	
5.	Even if you do not intend to defend the case do you object to paying the costs of the proceedings?  If so, on what grounds?	
	Date	Signed  [Advocate for] Respondent
	Address for service:  <i>Note If you are acting on your own you should also put your place of residence, or if you do not reside in the Isle of Man the address of a place in the Isle of Man to which documents may be sent to you.</i>  <i>If you subsequently wish to change your address for service, you must notify the Chief Registrar.</i>	

*Rules of the High Court (Matrimonial Proceedings) 2004*

Rule 83(1).

Form 33

Application for order restraining disposition etc.

[Heading as in form 1]

APPLICATION FOR ORDER RESTRAINING DISPOSITION ETC.

*Matrimonial Proceedings Act 2003 Part 4*

The applicant applies for an order restraining the respondent from making any disposition or transferring out of the jurisdiction or otherwise dealing with any property with intent to defeat a claim for financial relief under Part 4 of the Matrimonial Proceedings Act 2003
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Date	Signed  [Advocate for] Applicant
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Rule 90(2).

Form 34

Notice to be endorsed on document to be served on parent etc. of person under disability

[Heading as in form 1]

To *[name and address]*

TAKE NOTICE that the contents or purport of this document are to be communicated to the *[respondent or as the case may be]*, the said *[name]* if he is over 16 *[add, if the person to be served is by reason of mental disorder within the meaning of the Mental Health Act 1998 incapable of managing and administering his property and affairs]* unless you are satisfied *[after consultation with the responsible medical officer within the meaning of the Mental Health Act 1998 or, if the said [name] is not liable to be detained or subject to guardianship under that Act, his medical attendant]\** that communication will be detrimental to his mental condition].

*\*Delete these words if the document is served on the responsible medical officer or medical attendant.*

*Rules of the High Court (Matrimonial Proceedings) 2004*

Rule 101(2).

Form 35

Notice of address to be kept confidential

[Heading as in form 1]

NOTICE OF ADDRESS TO BE KEPT CONFIDENTIAL

*Matrimonial Proceedings Act 2003*

The [applicant] [respondent] declines to reveal to any other party to these proceedings [[his] [her] address] [the address of the following child(ren) <i>[name(s)]</i> ]	
The address(es) [is] [are] —	
<i>Name</i>	<i>Address</i>
Date	Signed  [Advocate for] [Applicant] [Respondent]