

## **Costs in Financial Proceedings: The Evolving Landscape**

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### **Divorce Dissolution and Separation Act 2020**

 A statement as to irretrievable breakdown will be sufficient to support application for divorce or dissolution.

 President's Guidance, Costs in Proceedings for Matrimonial and Civil Partnership orders was issued or 28 March 2022.

Cost orders will be rare.



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"I THINK WE'LL GO FOR SOMEWHERE BETWEEN 'AMICABLE' AND 'MESSY' ... "





#### No Order Regime: FPR 2010 r28.3

 Starting point: "the general rule... the court will not make an order requiring one party to pay the costs of another party": FPR 2010 r28.3(5)

• The court may make an order requiring one party to pay the costs of the other if it considers such an order appropriate by reason of conduct: **FPR 2010 r28.3(6)** 

In doing, the court will have regard to the factors at FPR 2010 r.28.3(7)



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"I WANT TO BE PUT ON LIFESTY'S SUPPORT. "



#### The Clean Sheet Regime

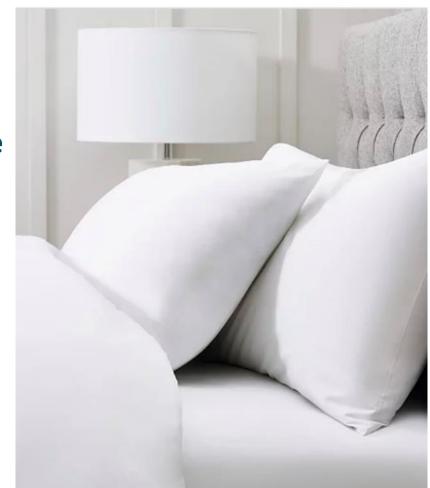
 Different rules apply for proceedings 'about or in connection with' a financial order

Costs will generally follow the event: Baker v Rowe [2009]
 EWCA Civ 1162

 Following LM v DM [2021] EWFC 28 the obligation to negotiate reasonably and responsibly under PD 28A para 4.4 has been construed as applying to clean sheet cases.



Clean sheets?
Get your house
in order...







# It's time for Questions & Answers

Questions Welcome

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