

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 on 28 March 2022.
- Cost orders will be rare.

CS371482



"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)**



"I WANT TO BE PUT ON LIFESTYLE 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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