

FRC Efficiency Statement

What do you need to do?

By [Luke Nelson](#)

3PB Barristers

It's finally happening. The long-awaited statement on efficient conduct in the financial remedies court below High Court level is out. It requires the legal profession to make changes to the long-standing traditions of arguing over case summaries and asset schedules. The court is clearly encouraging a more collaborative approach to case preparation, as indicated by the requirement to serve agreed composite schedules.

This article briefly looks at the guidance laid down for the preparation of FDAs, FDRs and final hearings. Most of this guidance requires more (and more collaborative) work in advance of court listings from our long-suffering matrimonial finance solicitors. That is, of course, unless counsel are engaged earlier to help share the load.

The following is an “at a glance” summary to assist the busy FR solicitor preparing for court.

Allocation

- Allocation questionnaires must be completed on issue using the newly drafted [allocation questionnaire](#);
- Be sure to identify whether the case is exceptionally complex to avoid the default 45-minute listing now attributed to FDAs (see below);
- Upon allocation the FRC will endeavour to ensure judicial continuity excluding the FDR, facilitating more efficient case management throughout proceedings.

FDA

- FDAs will be listed by default for 45 minutes unless the matter is “exceptionally complex”;
- The accelerated paper procedure can still be used as necessary;
- If the parties agree the FDA can be used as an FDR, 14 days before the hearing the following must be obtained:

- A jointly obtained market appraisal (if the parties are unable to do so, both should file their own appraisals but must be prepared to explain to the court why an agreed appraisal has not been provided);
- 3 sets of property particulars setting out each parties' case in respect of themselves and the other party;
- Jointly obtained brief indicative material as to the parties' borrowing capacities;
 - Importantly, this does not preclude a party from adducing formal evidence of borrowing capacity later in proceedings. This implies the less formal emails from mortgage brokers and bank calculators is likely to suffice at this early stage;
- A questionnaire of not more than 4 pages (of A4 with 12 point font and 1.5 line spacing)
 - The court will only allow longer questionnaires in cases of increased complexity – choose your questions wisely!
- One day before the FDA, the APPLICANT must file with the court:
- A composite case summary using the newly produced [FRC template](#);
- A composite schedule of assets and income based on the figures in Forms E using the newly produced [FRC template](#).

FDR

- 7 days before the FDR, the APPLICANT must file with the court;
 - An updated composite case summary using the newly produced FRC template;
 - An updated composite schedule of assets and income based on the figures in Forms E using the newly produced FRC template;
 - A composite chronology neutrally recording key dates and events.

ALERT: the court makes clear it is “unacceptable” to be presented with competing asset schedules and chronologies at FDR or final hearing, though it will still be acceptable for advocates to produce schedules of net effect and the like with a view to assisting the court.

PTR

- Trials with a time estimate of 3 or more days will be listed for PTR 4 weeks before the date.
- The PTR will be conducted by the same judge hearing the final hearing.

FINAL HEARING

- A trial timetable should be prepared, either at the directions phase of a failed FDR or at the PTR. The timetable should:
 - Provide realistic judicial reading time;
 - Not (normally) allow more than 30 minutes for opening;
 - Not (normally) allow for evidence in chief.
- 7 days before the final hearing, the APPLICANT must file with the court;
 - An updated composite case summary using the newly produced FRC template;
 - An updated composite schedule of assets and income based on the figures in Forms E using the newly produced FRC template;
 - An updated composite chronology neutrally recording key dates and events.

The efficiency statement bears reading in full. It is indicative of the increasingly firm efforts to bring family law back from its desert island of suspended legal and procedural concepts (to horribly misquote Lord Sumption).

Much of it, in the writer's view, will help matters settle earlier and, if not, run more efficiently through to final hearing. That, however, will come at the cost of more front-loading than the profession is generally accustomed to.

As always, the fine folks at 3PB are happy to assist with any queries you may have about what's required of you to ensure you get clear of a judicial tongue-lashing at your next appointment.

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