

ROYAL COURT OF JERSEY
FD 13/01
GENERAL GUIDELINES TO BE FOLLOWED BY ALL PRACTITIONERS
IN THE PREPARATION OF ANCILLARY RELIEF CASES

1. Affidavits of means shall be in the following format:-

 [Download affidavit of means \(size 467kb\)](#)

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Royal Court of Jersey
Judicial Greffe

IN THE ROYAL COURT OF JERSEY

Please complete this Affidavit fully and accurately. Where any box is not applicable write “N/A”.

You have a duty to the Court to give a full, frank and clear disclosure of all financial and other relevant circumstances.

A failure to give full and accurate disclosure may result in any order the Court makes being set aside, and a costs order being made against you.

If you are found to have been deliberately untruthful, criminal proceedings for perjury may be taken against you.

You must attach documents to the Affidavit where they are specifically sought and you may attach other documents where it is necessary to explain or clarify any of the information that you give.

Essential documents, which must accompany the Affidavit, are as set out in the **checklist attached**. Do not attach original documents, but keep them available for inspection by the other party or the Court.

If there is not enough room on the form for any particular piece of information, you may continue on an attached sheet of paper.

If in doubt about how to complete any part of this form, you should seek legal advice.

In the Royal Court of Jersey

Family Division

FILE NO
DATE SWORN

BETWEEN

PETITIONER

AND

RESPONDENT

AND

CO-RESPONDENT

AFFIDAVIT OF MEANS

Part 1 General Information							
1.1 Full Name							
1.2 Date of Birth	Date	Month	Year	1.3 Date of: Marriage/ Civil Partnership	Date	Month	Year
1.3 Occupation and Name of Employer							
1.4 Your Current Address							
1.5 Description of Place of Residence	No of Bedrooms	Owned	Rented	Other	No & Name of Occupants		

1.6 Housing Qualifications	What is your residential and employment status under the Control of Housing and Work (Jersey) Law 2012 and its underlying Regulations? Give details									
1.7 If you rent property in whose name is the lease/tenancy? Give the name of your Landlord										
1.8 Date of Separation	Date	Month	Year	Tick here <input type="checkbox"/> if not applicable						
1.9 Date of the:	Petition/Cross Application			Decree Nisi/Decree of Judicial Separation Conditional Order/ Separation Order			Decree Absolute/Final Order			
	Date	Month	Year	Date	Month	Year	Date	Month	Year	
1.10 If you have remarried, or will remarry, state the date. If you have entered into another civil partnership or intend to do so state the date:	Date	Month	Year	1.11 Do you live with another person			YES <input type="checkbox"/>		NO <input type="checkbox"/>	
				1.12 Do you intend to live with someone within the next six months?			YES <input type="checkbox"/>		NO <input type="checkbox"/>	
1.13 Details of any children of the family "Children of the Family" includes all children who live with you.										
(a) Details of children				Name: Date of Birth: Place of Birth: Present education arrangements: Future education arrangements: With whom does the child live:						

(b) Details of children	Name: Date of Birth: Place of Birth: Present education arrangements: Future education arrangements: With whom does the child live:
(c) Details of children	Name: Date of Birth: Place of Birth: Present education arrangements: Future education arrangements: With whom does the child live:
(d) Details of children	Name: Date of Birth: Place of Birth: Present education arrangements: Future education arrangements: With whom does the child live:
1.14 Details of the state of health of yourself and the children, if you think this should be taken into account	

1.15 Details of any maintenance order or agreement made in respect of any children of the family	
1.16 If this application is to vary an order, give details of the order that is to be varied and attach a copy of the order. Give reasons for asking for the order to be varied	
1.17 Give details of any other court cases between you and your husband/wife/civil partner, whether in relation to money, property, children or anything else.	
Case No	Court

Part 2 Financial Details

Capital: Realisable Assets

Documentation required for attachment to this section:

- a) A copy of any valuation of the property obtained within the last six months. If you cannot provide this document, please give your own realistic estimate of the current market value
- b) A recent mortgage statement confirming the sum outstanding on each mortgage

2.1 Complete this section in respect of the family home (the last family home occupied by you and your spouse/civil partner) if it remains unsold.

Property name and address	
Details of who owns the property and the extent of your interest in it (i.e. state if it is owned by you solely or jointly owned with your spouse/civil partner or with others)	
Current market value of the property	
Description of Property (ie detached, terraced, flat and number of bedrooms/reception rooms)	
Mortgage company name & address	
Account No.	
Type of Mortgage	
Balance outstaying on any mortgage – as at what date	
Additional Mortgage company name(s) & address(es)	
Account No.	

Type of Mortgage	
Balance outstaying on any mortgage(s) – as at what date	
If a sale at this stage would result in penalties payable under the mortgage(s), state amount	
Estimate the costs of sale of the property	
Total current value of your net beneficial interest (i.e. market value less outstanding mortgage(s), penalties if any, and the costs of sale)	
NET value of your interest in the family home (A)	

2.2 Give details of all other properties, land and buildings in which you have an interest in Jersey or elsewhere. Complete one page for each property you have an interest in.

Documentation required for attachment to this section:

- a) A copy of any valuation of the property obtained within the last six months. If you cannot provide this document, please give your own realistic estimate of the current market value
- b) A recent mortgage statement confirming the sum outstanding on each mortgage

Property name and address including land Registry number if applicable	
Details of who owns the property and the extent of your interest in it	
Current market value of the property	
Mortgage company name(s) & address(es)	
Account No.	
Type of Mortgage	
Balance outstaying on any mortgage(s) – as at what date	
Additional Mortgage company name(s) & address(es)	
Account No.	
Type of Mortgage	
Balance outstaying on any mortgage(s) – as at what date	
If a sale at this stage would result in penalties payable under the mortgage, state amount	
Estimate the costs of sale of the property	

Legal Fees and Estate Agents Fees	
Total equity in the property (i.e. market value less outstanding mortgage(s) penalties if any and the costs of sale)	
Total Value of the above (B1) (not including the family home)	

<p>2.3 Set out details of all bank, building society and National Savings accounts, that you hold or have held at any time in the last twelve months which are or were in your own name or in which you have an interest. This applies whether any such account is in credit or in debit.</p> <p>For joint accounts, give your interest and the name of the account holder. If the account is overdrawn, show a minus figure.</p> <p>Documentation required for attachment to this section:</p> <p>For each account listed, please provide copies of all statements covering the last 12 months.</p>					
Name of bank or building society, including branch name	Type of account (e.g. current)	Account Number	Name of other Account holder(s) (if applicable)	Balance at the date of this affidavit	Total current value of your interest
1.					
2.					
3.					
4.					
5.					
6.					
TOTAL value of your interest in ALL accounts (B2)					
<p>2.4 Give details of all stocks, shares, gilts and other quoted securities which you hold or have an interest in.</p> <p>Documentation required for attachment to this section:</p> <p>Latest statement or dividend counterfoil relating to each investment</p>					
Name	Type of holding	Size of holding	Current Value	Name of any other Holder (if applicable)	Total Current Value of your interest

TOTAL value of your interest in ALL holdings (B3)					
2.5 Give details of all life insurance policies including endowment policies which you hold or in which you have an interest, including those that do not have a surrender value. Complete one page for each policy.					
Documentation required for attachment to this section: A surrender valuation quotation for each policy if applicable.					
Name of company					
Policy number					
Policy type					
If the policy is assigned, state in whose favour and amount of charge					
Maturity date			Date	Month	Year
If the policy includes life insurance, the amount of the insurance and the name of the person whose life is insured					
Maturity value					
Current surrender value (if applicable)					
Total current surrender value of your interest in this policy					
TOTAL value of your interest in all policies (B4)					

2.6 Give details of all issues of National Savings Certificates which you hold or have an interest in.		
Name of issue	Current value	Total current value of your interest
TOTAL value of ALL your bonds (B6)		
2.7 Give details of all issues of all National Savings Bonds (including Premium Bonds) and other bonds which you hold or have an interest in.		
Type of Bond	Bond-holder's number	Current value
TOTAL value of ALL your bonds (B6)		
2.8 Give details of all MONIES which are OWED TO YOU. Do not include sums owed in director's or partnership accounts which should be included at section 2.13 or 2.18		
Brief description of money owed and by whom	Balance Outstanding	Total current value of your interest

TOTAL value of your interest in ALL monies owed to you (B7)		
2.9 Give details of all cash savings held in excess of £300. You must state where it is held and the currency it is held in		
Where held	Amount	Total current value of your interest
TOTAL value of ALL your cash (B8)		
2.10 Give details of personal belongings individually worth more than £500. INCLUDE <ul style="list-style-type: none"> ▪ Cars (gross value), ▪ Collections, pictures, jewellery, ▪ Furniture and household belongings. (this list is not exhaustive) State the value, not purchase price. 		
Item	Sale value	Total estimated current value of your interest
TOTAL value of your interest in ALL personal belongings(B9)		

2.11 Give details of any other realisable assets (i.e. which can easily be converted into cash) not yet mentioned, for example, unit trusts, investments trusts, commodities, business expansion schemes and futures (this list is not exhaustive). <i>This is where you must mention any other realisable assets.</i>		
Type	Current value	Total estimated current value of your interest
TOTAL value of your interest in ALL realisable assets (B10)		
Now add together all the figures in the previous Total boxes (B1-B10) to give the TOTAL current value of ALL Your interest in realisable assets	B	

Part 2 Financial Details		CAPITAL: LIABILITIES		
<p>2.12 Give details of any liabilities you have.</p> <p>EXCLUDE liabilities already shown such as:</p> <ul style="list-style-type: none"> ▪ mortgages on property dealt with above. ▪ any overdrawn bank, building society or National Savings accounts <p>INCLUDE</p> <ul style="list-style-type: none"> ▪ money owed on credit cards and store cards ▪ bank loans ▪ hire purchase agreements <p>List all charge cards, credit and store cards held including those with a nil or positive balance. Where the liability is not solely your own, give the name(s) of the other account holder(s) and the amount of your share of the liability.</p> <p>Documentation required:</p> <ul style="list-style-type: none"> ▪ charge cards, credit and store cards statements for the last 12 months ▪ updated documentation from banks, hire purchase company/ies i.e. and loan company/ies as to monies owed by you 				
Liability (i.e. total amount owed)	Term of loan/debt	Name of other account Holders (if applicable)	Current monthly payments	Total current value of your share of the liability
TOTAL value of ALL your liabilities (C1)				

Part 2 Financial Details		TAX LIABILITIES	
Please attach information of ITIS amount			
Tax Year	Details of any arrangements made with the Comptroller of Income Tax	Monthly payments made ITIS amount	Total current Tax Liability
TOTAL value of ALL your Tax liabilities (C2)			
Now add together C1 + C2 to give: Total net value of your liabilities			C
Now take the Liabilities total from the realisable assets total (A+B-C), to give: Total net value of your personal assets			D

Part 2 Financial Details		BUSINESS ASSETS
<p>2.13 Give details of all your business interests. Complete a separate page for each business you have an interest in.</p> <p>Documentation to be attached:-</p> <ol style="list-style-type: none"> 1) a copy of the business accounts of the last 2 financial years. 2) any documentation on which you have based your estimate of the current value of your interest in this business, for example a letter from an accountant or a formal valuation. <p>It is not essential to obtain a formal valuation at this stage.</p>		
Name of the business		
Briefly describe the nature of your business		
Are you (please delete all those not applicable)	a) Sole trader b) Partner in a Partnership with others c) Shareholder in a limited company	
If you are a partner or a shareholder, state the extent of your interest in the business (i.e. partnership share or the extent of your shareholding compared to the overall shares issued)		
State when your next set of accounts will be available		
If any of the figures in the last accounts are not an accurate reflection of the current position, state why For example, if there has been a material change since the last accounts, or if the valuations of the assets are not a true reflection of their value (e.g. because property or other assets have not been re-valued in recent years or because they are shown at a book value).		

Total amount of any sums owed to you by the business by way of a director's loan account, partnership capital or current accounts or the like. Identify where these appear in the business accounts.	
Is there any money you owe the business – if so, please state why and how much	
Your estimate of the current value of your business interest. Explain briefly the basis upon which you have reached that figure	
Net value of your interest in this business	
TOTAL current value of your interest in business assets (E)	
2.14 List any directorships you hold or held in the last 12 months (other than those disclosed in 2.14)	

Part 2 Financial Details		PENSIONS (including SERPS but excluding Basic State Pensions)	
2.15 Give details of your pension interests (whether or not in payment). Complete a separate page for each pension			
Documentation required for attachment to this section:			
a) A recent statement showing the cash equivalent transfer value (CETV) provided by the trustees or managers of each pension arrangement.			
b) If any valuation is not available, give the estimated date when it will be available and attach a copy of your letter to the pension company or administrators from whom the information was sought.			
If you have made additional voluntary contributions to any plan or scheme, you must give the information separately if the benefits referable to such contributions are separately recorded or paid.			
Name and Address of scheme, plan or policy			
Number of scheme, plan or policy			
Type of scheme, plan or policy (e.g. final salary, money purchase or other).			
Earliest date when benefit can be taken			
Bid or cash equivalent transfer value.			
Date the CETV was calculated			
Is the pension in payment or drawdown or deferred (yes/no)			
If the arrangement is an occupational pension that is paying reduced CETV, please quote what the CETV would have been if not reduced. If this is not possible, please indicate if the CETV quoted is a reduced CETV			

The lump sum payable on death before retirement		
The lump sum payable on death after retirement		
The lump sum payable on leaving active membership of the scheme but before retirement		
The estimated maximum lump payable on retirement (if known) assuming you take the maximum lump sum		
Your estimated monthly pension on retirement (if known)		
Spouse's/civil partner's or dependant's pension payable on your death in service		
Spouse's/civil partner's or dependant's pension on your death in retirement		
State whether such pension would be lost on divorce	YES	NO
TOTAL value of your pension assets (F) (bid or transfer value)		

Part 2 Financial Details**Capital: OTHER ASSETS**

2.16 Give details of any other assets not listed above.

Include the following (this list is not exhaustive):

- Any personal or business asset not disclosed
- Unrealisable assets (not easily converted into cash e.g. shares in a family business)
- Specify also any asset that is likely to be received in the foreseeable future, such as an inheritance
- Commodities
- Futures
- Share option scheme, *stating the estimated net sale proceeds of the shares if the options were capable of exercise now, or Income Tax would be payable.*
- Trust interests (including interests under a discretionary trust), stating your estimate of the value of the interest and when it is likely to become realisable. If you say it will never be realisable, or has no value, give your reasons.
- Specify also any asset that is likely to be received in the foreseeable future, and any assets held on your behalf by a third party
- Any assets not mentioned elsewhere in this form held outside Jersey.

You are reminded of your obligation to disclose all your financial assets and interest of any nature

Type of Asset	Value	Total net value of Your interest	When it is likely to be received/realisable and if not, why not
TOTAL value of your other assets (G)			G
TOTAL value of your net assets (excluding pensions)(D+E+G)			H
TOTAL value of your net assets (including pension) (H+F)			I

Part 2 Financial Details	
INCOME: Earned income from employment. Complete one page for each employment	
Documentation required for attachment to this section: You must attach your last three months of payslips or proof of earnings	
2.17 Earned Income. Give details of your gross and net income (after deduction tax of ITIS and of social security payments) in the last financial year, and in the current financial year	
Name and address of your employer	
Job title and brief details of the type of work you do	
Hours worked per week/month in this employment	
How long have you been with this employer?	
Explain the basis of your income i.e. state whether it is based on an annual salary or an hourly rate of pay and whether it includes commissions or bonuses	
Gross income for the last financial year as shown in your last payslip at the end of the year	
Briefly explain any other entries on the attached payslips other than basic ITIS and social security – Items deducted from gross income to obtain net income	
Net income for the last financial year as shown in your last payslip at the end of the year	
Average net income for the last three months i.e. total income for the last three months i.e. total income less ITIS and social security	
If the payslips attached for the last three months are not an accurate reflection of your normal income briefly explain why	

Details and value of any bonuses or other occasional payments that you receive from this employment not otherwise already shown, including the basis upon which they are paid	
Details and value of any benefits in kind, perks or other remuneration received from this employer in the last year (e.g. provision of a car, payment of travel, accommodation, meal expenses, etc.)	
Your estimate of your net income from this employment for the next 12 months. If this differs significantly from your current income explain why	
Estimated TOTAL of ALL net earned income from Employment for the next 12 months: TOTAL	

2.18 SELF-EMPLOYED OR PARTNERSHIP INCOME. You will already have given details of your business and provided the last two years accounts. Complete one page for each business.

Give details of annual net profit or loss for the last two accounting years, your share of this figure and tax payable to date of the last accounts and the estimate of income since that date. State the date on which your accounting year begins.

Year 2 should be the most recent year, Year 1 the previous year. Please state the “from” and “to” dates for the years concerned.

Documentation required for attachment to this section:

- a) A copy of your last tax assessment or, if that is not available, a letter from your accountant confirming your tax liability
- b) If net income from the last financial year and estimated net income for the next 12 months is significantly different, a copy of management accounts for the period since your last account.
- c) Nature of income and date your accounting year begins.

Name of Business	Details of the last two accounting periods									
	Net profit/loss		Your share of profit/loss		Tax payable by you					
	Year 1	Year 2	Year 1	Year 2	Year 1	Year 2				
Net income SINCE date of last accounts and estimate for the whole year	<u>Net Income</u>	Estimate	You must attach the accounts for the last two completed accounting years							
Details and value of any benefits in kind, perks or other remuneration received from this business in the last year (e.g. provision of a car, payment of travel, accommodation, meal expenses etc.)										
Amount of any regular monthly or other drawings that you take from this business										
If the estimated figure directly below is different from the net income as at the end date of the last completed accounts, briefly explain the reason(s)										
Estimated TOTAL of ALL net income from self-employment or partnership for the next 12 months TOTAL										

2.19 INVESTMENT INCOME (e.g. DIVIDENDS, INTEREST OR RENTAL INCOME).

Give details of income received in the last financial year, and in the current financial year, and state whether it was paid gross or net of income tax.

You are not required to calculate any tax payable that may arise.

Nature of income and the asset from which it derived	Paid gross or net (delete that which is not applicable) Gross/ Net	Income received in last financial year	Current financial year (estimated for the whole year)

2.20 State benefits, rent rebates (including States pension). Give details of all States and parish benefits and pension benefits received in the last 52 weeks

Nature of Income	Total income received in the last 52 weeks	Current financial year (estimated for whole year)	Frequency of payment

2.21 Any other income. eg. Maintenance, lodgers, and give details of any other income received in the last 52 weeks.

INCLUDE:

- Any source from which income has been received during the last 12 months (even if it has now ceased)
- Any source from which income is likely to be received during the next 12 months.

You are reminded of your obligation to give full disclosure of your financial circumstances.

Nature of income	Frequency of payment	Total income for the last 52 weeks	Current financial year (estimated for whole year)

Part 2 Financial Details (Excel sheet also provided)		SUMMARIES
2.22 Summary of your income		
Total net income from all sources for the last financial year	Total net income from all sources for the current financial year (estimated for the whole year)	
	£	
2.23 Summary of financial information		
	Reference of the section on this statement	Value
Net value of your interest in the family home	A	
Total current value of all your interest in the other realisable assets	B	
Total net value of your liabilities	C	
Total net value of your personal assets (A + B - C)	D	
Total current value of your business assets	E	
Total current value of your pension or transfer values	F	
Total value of your other assets	G	
Total value of your net assets (<i>excluding pension</i>) (D + E + G)	H	
Total value of your net assets (<i>including pension</i>) (H + F)	I	

Part 3 Requirements		Capital Needs
3.2 Give the reasonable future capital needs of yourself and of any children living with you, or provided for by you. INCLUDE: <ul style="list-style-type: none"> ▪ All capital needs for yourself ▪ Capital needs for any children living with you or provided for by you only if these form part of your total capital needs (e.g. housing, car, etc) 		
Capital needs of yourself (<i>eg. Housing, car etc</i>)	Cost	
Item		
	Subtotal	
Capital needs of child(ren) living with you, or provided for by you	Cost	
INCLUDE:		
<ul style="list-style-type: none"> ▪ Only those capital needs that are different to those of your household shown above 		
	Subtotal	
TOTAL Capital needs		

Part 4 Other Information

4.1 State whether there has been any significant change in your assets or income during the last 12 months, and why, including any assets held outside Jersey (e.g. closure of any bank or building society accounts or disposal of any asset)

4.2 Significant changes in assets or income likely to occur during the NEXT 12 months

4.3 Give brief details of the standard of living enjoyed by you and your spouse/civil partner during the marriage/civil partnership.

4.4 Are there any particular contributions to the family property and assets or outgoings, or to family life, that have been made by you, your spouse/civil partner or anyone else that you think should be taken into account? If so, give a brief description of the contribution, the amount, when it was made, and by whom.

INCLUDE:

- Contributions already made
- Contributions that will be made in the foreseeable future

4.5 Bad behaviour or conduct by the other party will only be taken into account in very exceptional circumstances when deciding how the assets should be divided after divorce. If you feel it should be taken into account in your case, identify the nature of the behaviour or conduct below.

Part 4 Other Information		continued	
<p>4.6 Give details of any other circumstances which you consider might significantly affect the extent of the financial provision to be made by or for you or for any child of the family. INCLUDE (the following list is not exhaustive)</p> <ul style="list-style-type: none"> ▪ earning capacity ▪ disability ▪ inheritance prospects ▪ redundancy ▪ any plans to marry, enter into a civil partnership or cohabit with a partner ▪ any contingent liabilities 			
<p>4.7 If you have remarried/entered into another civil partnership (or intend to) or are living with another person (or intend to), give brief details, so far as they are known, of his or her income and assets and liabilities.</p>			
Annual Income		Assets	
Nature of income	Value (state whether gross or net, if known)	Item	Value (if known)
	Gross/net		
	Gross/net		
	Gross/net		
	Gross/net		
Total		Total	

Part 5 Order Sought

5.1 If you are able to at this stage, specify what kind of orders you are asking the court to make. Even if you cannot be specific at this stage, if you are able to do so, indicate:

- a) If the family home is still owned, whether you are asking for it to be transferred to yourself or your spouse/civil partner or whether you are saying it should be sold
- b) Whether you consider this is a case for continuing spousal/party maintenance or whether you see the case as being appropriate for a “clean break”.

(A “clean break” means a settlement or order which provides, amongst other things, that neither you nor your spouse/civil partner will have any further claim against the income or capital of the other party. A clean break does not end the responsibility of a parent for a child.)

- c) If you are seeking a transfer or settlement of any property or assets, identify the property or assets in question

5.2 If you are seeking a variation of a pre-nuptial or post-nuptial settlement, you must identify the settlement, by whom it was made, its trustees and beneficiaries, and state why you allege it is a settlement the court can vary.

Part 5 Order Sought		continued
5.3 If you are seeking an avoidance of disposition order, you must identify the property to which the disposition relates and the person or body in whose favour the disposition is alleged to have been made.		
Sworn confirmation of the information		
1	<i>(the above-named petitioner/applicant/respondent)</i>	
Of	MAKE OATH and confirm that the information given above is a full, frank, clear and accurate disclosure of my financial and other relevant circumstances.	
Sworn by the above named At		
Before me		
A [Solicitor] [Advocate][Commissioner for Oaths] [Notary Public]		
Address all communications to the Family Division, Royal Court, Royal Court Building, Royal Square, St Helier and quote the case number from page 1. If you do not quote this number, your correspondence may be returned.		

CHECKLIST OF DOCUMENTS

		TICK
1.16	Order sought to be varied.	
2.1(a)	Copy of any valuation of the family home obtained within the last six months.	
2.1(b)	A recent mortgage statement confirming the sum outstanding on each mortgage.	
2.2(a)	Copy of any valuation of each property obtained within the last six months.	
2.2(b)	A recent mortgage statement confirming the sum outstanding on each mortgage.	
2.3	Bank, building society and National Savings: last 12 months statements.	
2.4	Stocks, shares, gilts and other quoted securities: Latest statement or dividend counterfoil relating to each investment.	
2.5	Life insurance policies: surrender valuation of each policy that has a surrender value.	
2.12	Charge Cards, credit and store cards statements for the last 12 months monies and updated documentation from banks, hire purchase companies and loan companies.	
2.13(1)	Business accounts for each business for the last 2 financial years.	
2.13(2)	Documentation on which you have based your estimate of the current value of your interest in your business/es.	
2.15(a)	Pensions: recent statement showing the cash equivalent transfer value (CETV).	
2.15(b)	Copy letter to the pension company or administrators.	
2.17	Earned income: last three months of payslips or proof of earnings.	
2.18(a)	Self-employed or partnership: last tax assessment or, if that is not available, a letter from your accountant confirming your tax liability.	
2.18(b)	Copy of management accounts for the period since your last accounts.	