

Chapter 14: Guidance on answering the self-test questions

Question 1: Draw a diagram to illustrate the order of financial proceedings.

Compare your diagram with that at 15.6.

Question 2: Explain the differences between the first appointment and FDR.

A first appointment has as its aim deciding the scope of disclosure and controlling the information in the case. The FDR is a hearing designed to allow the judge to assist the parties in reaching a settlement.

Question 3: Your client, Miranda, has instructed you in financial proceedings. She reluctantly disclosed assets following an order from the district judge at the first appointment. At the FDR you inadvertently discover that Miranda has concealed £300,000 in savings in a previously undiscovered bank account. Advise Miranda on the potential consequences of non-disclosure.

If Miranda does not offer full and frank disclosure to the court, she is at risk of being penalised in costs for her behaviour. Miranda must be clearly advised to disclose all assets immediately and she must be warned that you may be unable to act should she continue to mislead you and the court. If a consent order is agreed, there is a risk it could be set aside for substantial non-disclosure, especially after the Supreme Court's decisions in *Sharland* and *Gohil*.