

FORM 2E

[Rule 9(12)]

Notice of intention to dissolve the marriage under section 11B(3) of Matrimonial Causes Ordinance

FORM 2D

To the Registrar

TAKE NOTICE that [state the name of the 1st applicant] of [state his/her last address] and [state the name of the 2nd applicant] of [state his/her last address], lawfully married to each other on [state the date of the marriage] at [state the place of the marriage], hereby jointly give notice to the court of their intention to apply jointly to the court to dissolve their marriage.

Dated this _____ day of _____ 19 ____.

Signed
1st Applicant

Signed
2nd Applicant

[Signed
Solicitor for the 1st Applicant]

[Signed
Solicitor for the 2nd Applicant]

FORM 3

[Rule 12(7)]

Notice of Proceedings

In the District Court⁽¹⁾ of Hong Kong held at
No. of
Matter

⁽¹⁾ Amend if the
proceedings are pending
in Court of First Instance.

Between

and

[and

Petitioner
Respondent
Co-Respondent]

TAKE NOTICE that a petition [or divorce]⁽²⁾ has been presented to the Court. A copy of it [and a copy of the petitioner's proposals regarding the child[ren]] [is] [are] delivered with this notice.

⁽²⁾ Or as the case may be.

1. You must complete and detach the acknowledgement of service and send it so as to reach the Court within 8 days after you receive this notice, inclusive of the day of receipt. Delay in returning the form may add to the costs.

2. ⁽³⁾ If you wish to do so, you may send to the court a statement setting out your views on the proposals regarding the children. If you send a statement it will be placed before the Judge dealing with the arrangements for the child[ren] and a copy of your statement will be sent to the petitioner.

⁽³⁾ Delete if inapplicable.

3. If the reply to Question 4 [5 or 6]⁽³⁾ in the acknowledgement is Yes, you must, within 29 days after you receive this notice, inclusive of the day of receipt, file in the Court office an answer to the petition⁽²⁾, together with a copy for every other party to the proceedings.

4. ⁽³⁾ If the reply to Question 5 in the acknowledgment is Yes, the consequences to you are that—

- (a) provided the petitioner establishes the fact that the parties to the marriage have lived apart for one year immediately preceding the presentation of the petition and that you consent, a decree will be granted unless, in the case of a petition for divorce, the Court is satisfied that the marriage has not broken down irretrievably;
- (b) your right to inherit from the petitioner if he or she dies without having made a will ceases on the grant of a decree of judicial separation or on a decree *nisi* of divorce being made absolute;
- (c) in the case of divorce the making absolute of the decree will end the marriage thereby affecting any right to a pension which depends upon the marriage continuing or upon your being left a widow; will cease unless the court directs otherwise during the subsistence of the marriage;

(d) apart from the consequences listed above there may be others applicable to you depending on your particular circumstances. About these you should obtain legal advice from a solicitor.

5. (3) If after consenting you wish to withdraw your consent you must immediately inform the court and give notice to the petitioner.

6. (3) The only fact on which the petitioner relies in support of the petition is that the parties to the marriage have lived apart for at least 2 years. Section 17A of the Ordinance provides that if in such a case the respondent applies to the Court for it to consider the respondent's financial position after the divorce, the decree *nisi* cannot be made absolute unless the Court is satisfied that the petitioner has made or will make proper financial provision for the respondent, or else that the petitioner should not be required to make any financial provision for respondent. Paragraph (11) of the petition will tell you whether the petitioner proposes to make any financial provision for you. It is important that you should consider this information carefully before answering Question 7 in the acknowledgment.

7. (3) If the reply to Question 7 in the acknowledgment is Yes, you must, before the decree is made absolute, make application to the court by filing and serving on the petitioner a notice in Form 8A, which may be obtained from the Court.

8. If you intend to instruct a solicitor to act for you, you should at once give him all the documents which have been served on you, so that he may send the acknowledgment to the Court on your behalf. If you do not intend to instruct a solicitor, you should nevertheless give an address for service in the acknowledgment so that any documents affecting your interests which are sent to you will in fact reach you. Change of address should be notified to the Court.

Dated this _____ day of _____ 19 ____.

To

(*L.N. 325 of 1982; L.N. 78 of 1986; L.N. 246 of 1995; L.N. 235 of 1996; L.N. 295 of 1996; 25 of 1998 s. 2*)

FORM 4

[Rule 14(5)]

Acknowledgment of Service

If you intend to instruct a solicitor to act for you, give him this form immediately.

In the District Court of Hong Kong held at

No. of

Matter

Between

and

Petitioner

Respondent

[and

Co-Respondent]

1. Have you received the originating application [*or* summons] [and copy of the supporting affidavit] [*or* the petition for [divorce]⁽²⁾] delivered with this form?

⁽²⁾ Or as the case may be.

2. On what date and at what address did you receive it?

3. Are you the person named as the Respondent in the application [*or* as in the petition]⁽²⁾?

4. Do you intend to defend the case?

5. ⁽³⁾ [*In the case of a petition alleging any such fact as is mentioned in section 1A(2)(c) of the Ordinance (one year's separation and consent of respondent)*]: Do you consent to a decree being granted?

⁽³⁾ Delete if inapplicable.

6. ⁽³⁾ [*In the case of a petition asking for divorce and alleging any such fact as is mentioned in section 11A(2)(d) of the Ordinance (two years' separation)*]: Do you intend to oppose the grant of a decree on the ground that the divorce will result in grave financial or other hardship to you and that in all the circumstances it would be wrong to dissolve the marriage?

7. ⁽³⁾ In the event of the grant of a decree *nisi* and the Court holding that the only fact on which the petitioner was entitled to rely in support of the petition was any such fact as is mentioned in section 11A(2)(c) or (d) of the Ordinance (one year's separation and the consent of the respondent or two years' separation), do you intend to apply to the Court for it to consider your financial position as it will be after the divorce?

8. ⁽⁴⁾ Even if you do not intend to defend the case do you wish to be heard on the claim[s] in the petition for ⁽⁵⁾—

(a) costs

⁽⁴⁾ Delete Question 8 except in the case of a petition.

(b) custody of the children

⁽⁵⁾ Insert whichever of the following item is applicable.

(c) periodical payments

(d) maintenance pending suit

(e) secured periodical payments

(f) a lump sum

(g) a settlement or transfer of property

(h) variation of a settlement

9. ⁽⁶⁾ Do you wish to make any application on your own account for—

⁽⁶⁾ Delete Question 9 (except in the case of a respondent spouse in proceedings begun by petition).

(a) access to the children

(b) custody of the children

(c) periodical payments for the children

(d) maintenance pending suit

(e) periodical payments for yourself

(f) a lump sum

(g) secured periodical payments

(h) settlement or transfer of property

(i) variation of a settlement

(If possible answer YES or NO against each item in Question[s] 8 [and 9]. If you are uncertain leave a blank).

Dated this _____ day of _____ 19 ____.

(If a solicitor is instructed, he will sign below on your behalf but if the answer to Question 5 is Yes, you must also sign here).

Signed

Address for service [Unless you intend to instruct a solicitor, give your place of residence, or if you do not reside in Hong Kong, the address of a place in Hong Kong to which documents may be sent to you. If you subsequently wish to change your address for service, you must notify the Court.]

[Or, if a solicitor is instructed

I am [We are] acting for the Respondent [or the above named _____] in this matter.

Signed

Address for service:]

(L.N. 325 of 1982; L.N 246 of 1995; L.N 172 of 1996)