

Financial Dispute Resolution Hearing

The Financial Dispute Resolution appointment is the next stage and the second hearing within an Application for a Financial Remedy. It is presided over by a District Judge and is a without prejudice hearing. This presents an opportunity to negotiate a final financial settlement with the help and guidance of the Judge.

You will need to attend Court earlier than the appointed hearing time as there may be prospects to try and resolve matters before the hearing starts. Usually, you will spend a morning or an afternoon at Court. There is an obligation to try and reach an agreement which the Judge will encourage.

The Judge will consider the relevant evidence which is before the Court together with without prejudice proposals to settle and take into account submissions made by your advocate. Any statements made in a genuine attempt to settle cannot subsequently be put before the Court as evidence. Live evidence is unusual.

The Judge cannot impose a financial Order unless it is by consent, but will usually give an indication of the Order that may be made at the Final Hearing. The Judge who conducts the FDR can have no further involvement in the case and is excluded from the Final Hearing.

If an agreement is reached the terms can be incorporated into a Consent Order to be approved by the Judge which will conclude the Financial Remedy Application.