

Resolution Specialist Accreditation

Preserving & Locating Family Assets (Emergency Procedures in Financial Remedies) Competence Unit - Lawyers

This portfolio unit focusses on the specialist knowledge, understanding and application in practice required to select and undertake appropriate emergency procedures to protect and manage client finances.

Competency Code	Knowledge and Understanding Candidates must know and understand:
SAEPF01	The Resolution Code of Practice and other relevant protocols (e.g. The Law Society Family Law Protocol, the Remote Access Family Court and any associated protocols), the SRA Competence Statement and over-arching Standards Framework, Family and Civil Procedure Rules. Resolution's Good Practice Guides and Precedents.
SAEPF02	The practical preliminary steps which can be taken to protect clients.
SAEPF03	Relevant legislation including: <ul style="list-style-type: none"> • Matrimonial Causes Act 1973 • Children Act 1989 Schedule 1 • Civil Partnership Act 2004 • Matrimonial and Family Proceedings Act 1984 • Senior Courts Act 1981 including the differences between the MCA and CPA on the one hand and the SCA on the other • Family Procedure Rules 2010 Part 20
SAEPF04	The procedure for applications under each of the statutes and statutory instruments referred to at SAEPF3.
SAEPF05	The use of, and procedure for obtaining, an order to restrain a party from disposing of assets under s37(2)(a) of the Matrimonial Causes Act 1973.
SAEPF06	The use of, and procedure for obtaining, an order to set aside a previous disposition under s37(2)(b) and (c) of the Matrimonial Causes Act 1973.
SAEPF08	The use of and procedure for, obtaining a passport impoundment order.
SAEPF07	The use of, and procedure for obtaining: <ul style="list-style-type: none"> • Freezing orders (formerly Mareva injunctions) • Search and find orders (formerly Anton Piller orders)
SAEPF09	The use of, and procedure for obtaining, a <i>Hemain</i> injunction.
SAEPF10	The circumstances in which it might be appropriate to seek an order without notice.
SAEPF11	The use of undertakings in lieu of injunctions.
SAEPF12	Practical considerations and proportionality.
SAEPF13	The effect of and procedures in relation to the Brussels II regulation on divorce jurisdiction including: <ul style="list-style-type: none"> • Jurisdiction race situations • The correct pleading of jurisdiction grounds in divorce petitions • Interplay between Forced Marriage and Abduction - knowledge of inherent jurisdiction.
SAEPF14	The effect of the EU Maintenance Regulation.
SAEPF15	The type and nature of family dispute resolution processes that might be available or appropriate, including appropriate exemptions from s.10 Children and Families Act 2014.

Competency Code	Performance Candidates must be able to:
SAEPF16	Demonstrate appropriate application of the Resolution Code of Practice and other relevant practice protocols in all cases.
SAEPF17	Identify, assess and explain the relevant law, regulations and procedures relating to financial provision in individual cases.
SAEPF18	Identify and explain the procedures for dealing with emergency matters where there may be foreign or international matrimonial proceedings.
SAEPF19	Explain the rights to, and procedures for, applications under s.37, Matrimonial Causes Act 1973 and /or s.37 Senior Courts Act 1981.
SAEPF20	Assess, identify and explain where a search and find order or freezing order may be appropriate and the procedures for obtaining either.
SAEPF21	Assess whether there is a need for an application to set aside an unwanted disposition and take appropriate steps.
SAEPF22	Demonstrate application of the relevant parts of the Family Procedure Rules 2010 in each and every case.
SAEPF23	Identify, explain to, and assess with the client the available family dispute resolution processes that might be appropriate in their circumstances, including an assessment of the situation in order properly to protect the client where there may be concerns in relation to the need for emergency procedures to be taken.
SAEPF24	Demonstrate what practical steps have been taken to protect the client.

Guidance Notes to Unit:

Candidates should be aware that not all competencies will feature in case studies but must be prepared and able to answer all that are listed in the unit. Assessment is adjusted to match competencies tested.