**In the High Court of Justice**

**Family Division**

**Sitting at [the Royal Courts of Justice] /
[[*name*]District Registry] Case No: [*Case number*]**

**The Presumption of Death Act 2013**

**IN THE MATTER OF AN APPLICATION FOR A DECLARATION OF THE PRESUMED DEATH OF** **[*NAME OF PERSON PRESUMED DEAD*], A [MAN] / [WOMAN], BORN ON [*DATE*]**

Before the [*name of judge*] sitting in private at the Royal Courts of Justice, Strand, London WC2A 2LL on [*date*]

**The parties**

The applicant is [*applicant name*]*,* the [*relationship to defendant*]of the respondent

The respondent is [*name of person presumed dead*], a [man] / [woman], born on [*date*]

## Remote hearing

**(upon the court determining that in the circumstances of this case it is suitable for hearing remotely by means of ms teams)**

1. [*Insert*]

## Attendance

1. The applicant [was represented by [*name*] [of counsel]] / [appeared in person [assisted by [*name*], [his] / [her] McKenzie friend]] / [having notice of this hearing did not attend].
2. Upon [*name(s) and relationship to subject*]:
	1. being given formal notice of these proceedings in accordance with the order of [*name of judge*] made on [*date*];and
	2. having notice of this hearing.
3. Upon the court being satisfied that there are no other persons who require to be notified under CPR 57.20(1).

## Application

1. Upon the applicant’s application under the Presumption of Death Act 2013 for a declaration that [*name of person presumed dead*], a [man] / [woman], born on [*date*],is presumed to be dead, issued on or about [*date*].
2. Upon the court being satisfied that [*insert summary of events underpinning the court’s declarations* **(e.g. when was the respondent last seen, where what time)**]
3. Upon the court being satisfied that as at [*date*][*name of person presumed dead name*], a [man] / [woman], born on [*date*]:
	1. was domiciled in England and Wales; and
	2. had been habitually resident in England and Wales throughout the period of 1 year ending on [*date*], living at [*address*]
4. Upon the court being satisfied that the applicant [*applicant name*], born on [*date*]:
	1. was domiciled in England and Wales on the day on which the application was made, namely [*date*]; and
	2. had been habitually resident in England and Wales throughout the period of 1 year ending upon [*date*].
5. Upon the court accordingly being satisfied that it has jurisdiction to entertain the application pursuant to s1 (3)-(5) of the Presumption of Death Act 2013.

## Consent to the application

1. Upon [*name(s)*] having indicated their consent in writing on [*date*]to the declarations sought by the applicant.

## Evidence

1. Upon the court having read the bundle herein.
2. Upon the court having heard the oral evidence of [*name(s)*].
3. Upon the court noting that an advertisement was placed in:
	1. [*publication name*] on [*date*]; and
	2. [*publication name*] on [*date*]

for a continuous period of 30 days thereafter pursuant to CPR 57.21(1)(b).

## Declarations

1. It is declared that the respondent [*name of person presumed dead*], a [man] / [woman], born on [*date*]*,*has not been known to be alive for a period of at least 7 years since [*date*].
2. It is declared that the respondent [*name of person presumed dead*], a [man] / [woman], born on [*date*]*,*is presumed to have died; and that their death is presumed to have occurred at [*time and date*].

## Directions

1. The court shall forthwith send a copy of this declaration to the Registrar General for England and Wales, together with the prescribed information, in order to enable the Registrar General to comply with his or her duties to make an entry in the Register of Presumed Deaths as required by Schedule 1(2) of the Presumption of Death Act 2013.

## Costs

1. No order as to costs.

Dated [*date*]

**Annex A – Prescribed Information for GRO**

**(the expectation from the general register office is that the order issued from the court will at a minimum include the ‘prescribed information’ – which includes the information listed below. however it is recognised that the court may not have been provided with that information on the application or the judge may not make an order as to that information. this template should accompany any order which is sent to the gro to indicate why the information is missing from the order.)**

|  |  |  |
| --- | --- | --- |
| **INFORMATION** | **AVAILABLE TO COURT** | **ORDER MADE AS TO INFORMATION** |
| Name of court issuing the declaration | HIGH COURT OF JUSTICE FAMILY DIVISION |  |
| Date of court declaration |  |  |
| Name and surname of person presumed dead |  |  |
| Date of presumed death |  |  |
| Place of presumed death |  |  |
| Sex |  |  |
| Maiden surname (if applicable) |  |  |
| Date and place of birth |  |  |
| Occupation  |  |  |
| Usual or last known address |  |  |
| Cause of presumed death |  |  |