
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 7

**PROCEDURE FOR APPLICATIONS IN MATRIMONIAL
AND CIVIL PARTNERSHIP PROCEEDINGS**

CHAPTER 1

APPLICATION AND INTERPRETATION

Application and interpretation

7.1.—(1) The rules in this Part apply to matrimonial and civil partnership proceedings.

(2) The rules in this Part do not apply to magistrates' courts.

(3) In this Part—

“defended case” means matrimonial proceedings or civil partnership proceedings in which—

- (a) an answer has been filed opposing the grant of a matrimonial or civil partnership order on the application, and has not been struck out; or
- (b) the respondent has filed an application for a matrimonial or civil partnership order in accordance with rule 7.14 and neither party's application has been disposed of; or
- (c) rule 7.12(11) applies, notice has been given of intention to rebut and that notice has not been withdrawn,

and in which no matrimonial or civil partnership order has been made; and

“undefended case” means matrimonial proceedings or civil partnership proceedings other than a defended case.

(4) In this Part—

- (a) a reference to a conditional order is a reference to a civil partnership order (other than a separation order) which has not been made final; and
- (b) a reference to a final order is a reference to a conditional order which has been made final.

District Registries

7.2. A reference in this Part to a registry for a place at which sittings of the High Court in matrimonial or civil partnership proceedings are authorised is a reference—

- (a) to the district registry for that place;
- (b) where the place has no district registry, such district registry as the Lord Chancellor may designate for the purpose; or
- (c) if the place is not situated within the district of any district registry, the principal registry.

Principal Registry

7.3.—(1) A provision of this Part which refers to—

- (a) proceedings being started or heard in a divorce county court or a civil partnership proceedings county court; or
- (b) the transfer of proceedings to or from such a court,

includes a reference to the principal registry when treated as such a court.

(2) Proceedings to which this Part applies which were started in the principal registry or have been transferred to it as if it were a county court are treated as pending—

- (a) if the proceedings are matrimonial proceedings, in a divorce county court; and
- (b) if the proceedings are civil partnership proceedings, in a civil partnership proceedings county court.

References to respondents

7.4.—(1) Where a respondent makes an application for a matrimonial order or a civil partnership order, unless the context otherwise requires, the rules in this Part shall apply with necessary modifications as if the reference to a respondent is a reference to the applicant in the other party's application for a matrimonial order or a civil partnership order.

(2) Where a respondent makes an application for a matrimonial order, unless the context otherwise requires, the rules in this Part shall apply with necessary modifications as if the reference to a co-respondent is a reference to a party cited in the respondent's application for a matrimonial order.