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STATUTORY INSTRUMENTS

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**2003 No. 184**

**The Family Proceedings (Amendment) Rules 2003**

**Amendments to the Family Proceedings Rules 1991**

**11.**—(1) In rule 7.4(1), in the definition of “judgment summons”, for “to appear and be examined on oath as to his means” substitute “to attend court”.

(2) After rule 7.4(3) insert—

“(3A) The judgment creditor must file with the request copies of all written evidence on which he intends to rely.”.

(3) In rule 7.4(5)—

(a) after “served on the debtor personally” insert “together with copies of the written evidence referred to in paragraph (3A)”; and

(b) for “10” substitute “14”.

(4) After rule 7.4(7) insert—

“(7A) The following documents must be served personally on the debtor—

(a) where the proceedings are in the High Court and the court has summoned the debtor to attend and he has failed to do so, the notice of the day and time fixed for the adjourned hearing;

(b) where the proceedings are in the county court, an order made under section 110(1) of the County Courts Act 1984(1);

(c) in either case, copies of the judgment summons, the affidavit required by rule 7.1(1) and all written evidence referred to in paragraph (3A).

(7B) No person may be committed on an application for a judgment summons unless—

(a) where the proceedings are in the High Court, the court has summoned the debtor to attend, he has failed to do so, and he has also failed to attend the adjourned hearing;

(b) where the proceedings are in the county court, an order is made under section 110(2) of the County Courts Act 1984(2); or

(c) the judgment creditor proves that the debtor—

(i) has or has had since the date of the order the means to pay the sum in respect of which he has made default; and

(ii) has refused or neglected, or refuses or neglects, to pay that sum.

(7C) The debtor may not be compelled to give evidence.”.

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(1) 1984 c. 28.

(2) Amended by S.I.2002/439.