

SCHEDULE 1

rule 3

Maintenance Orders Act 1950 (Summary Jurisdiction) Rules 1950

1. In rule 1—

- (a) in paragraph (1), omit “in a court having jurisdiction by virtue of subsection (3) of section 1 of the said Act”;
- (b) after paragraph (1), insert—

“(1A) Where proceedings under Part 1 of Schedule 6 to the Civil Partnership Act 2004⁽¹⁾ are begun against a defendant residing in Scotland or Northern Ireland, then, upon an application in that behalf made by the defendant in accordance with paragraph (2) of this Rule, a justice acting in the same place as that court may, if it appears that the case could be more conveniently heard in a court of summary jurisdiction having jurisdiction in the place where the parties last ordinarily resided together as civil partners, determine that the proceedings shall be removed into the last-mentioned court.”;
- (c) in paragraph (2)—
 - (i) for “paragraph” substitute “paragraphs”; and
 - (ii) for “section 1” substitute “provisions”;
- (d) in paragraph (3), after “(1)” insert “or (1A)”; and
- (e) in paragraph (4)—
 - (i) after “(1)” insert “or (1A)”; and
 - (ii) for “section 1” substitute “provisions”.

Magistrates' Courts (Guardianship of Minors) Rules 1974

2. In rule 5—

- (a) in the title, after marriage insert “or formation of civil partnership”;
- (b) after paragraph 1 insert—

“(1A) An application for the consent of the court to the formation of a civil partnership by a child under paragraph 3, 4 or 10 of Schedule 2 to the Civil Partnership Act 2004 (obtaining consent etc.) may be made, either orally or in writing, to a justice of the peace.”;
- (c) in paragraph (2)—
 - (i) after “paragraph (1)” insert “or (1A)”; and
 - (ii) after “marriage” insert “or to the civil partnership, as the case may be”; and
- (d) in paragraph (4), after “paragraph (1)” insert “or (1A)”.

Magistrates' Courts Rules 1981

3. In the Arrangement of Rules—

- (a) for the entry for rule 45 substitute—

“Duty of designated officer to notify subsequent marriage or formation of civil partnership of person entitled to payments under a maintenance order”; and
- (b) for the entry for rule 105 substitute—

(1) 2004 c. 33.

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“Application for alteration of maintenance agreement under s 35 of the Matrimonial Causes Act 1973(2) or paragraph 69 of Schedule 5 to the Civil Partnership Act 2004”.

4. In rule 39(6), after “the Act of 1978,” insert “paragraph 36(1) of Schedule 6 to the Civil Partnership Act 2004,”.

5. In rule 45—

- (a) in the heading, for “remarriage” substitute “subsequent marriage or formation of civil partnership”;
- (b) in paragraph (1), for “remarried” substitute “subsequently married or formed a civil partnership”; and
- (c) for paragraph (3), substitute—

“(3) This rule applies to an order of a kind mentioned in paragraph (4) and an attachment of earnings order made to secure payments under an order of that kind, and in paragraph (2) “relevant order” means any such order to which the payments referred to in paragraph (1) relate.

(4) The kinds of order referred to in paragraph (3) are orders to which the following provisions apply—

- (a) section 38 of the Matrimonial Causes Act 1973;
- (b) section 4(2) of the Act of 1978(3);
- (c) paragraph 65 of Schedule 5 to the Civil Partnership Act 2004; and
- (d) paragraph 26(2) of Schedule 6 to the Civil Partnership Act 2004.”.

6. In rule 51—

- (a) for “or” substitute “, ”; and
- (b) after “1978” insert “or paragraph 41 of Schedule 6 to the Civil Partnership Act 2004”.

7. In rule 69, after “the Act of 1978” insert “or under Schedule 6 to the Civil Partnership Act 2004,”.

8. In rule 99(6)(b), for “wives” substitute “husbands, wives or civil partners, as the case may be,”.

9. In rule 105—

- (a) in the heading, after “Matrimonial Causes Act 1973” insert “or under paragraph 69 of Schedule 5 to the Civil Partnership Act 2004”; and
- (b) after “Matrimonial Causes Act 1973” insert “, under paragraph 69 of Schedule 5 to the Civil Partnership Act 2004”.

Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991

10. In the Arrangement of Rules—

- (a) in the heading below “Part II”—
 - (i) for “Family Law Act 1986(4) and” substitute “Family Law Act 1986,”; and
 - (ii) after “Family Law Act 1996(5)” insert “and Proceedings under the Civil Partnership Act 2004”;
- (b) for the entry for rule 17, substitute—

(2) 1973 c. 18.

(3) The reference is the Domestic Proceedings and Magistrates' Courts Act 1988 (c. 22).

(4) 1986 c. 55.

(5) 1996 c. 27.

“Orders made under section 6 of the Act or Part 2 of Schedule 6 to the Act of 2004 in the absence of the respondent”;

- (c) for the entry for rule 18 substitute—

“Application under section 7 of the Act or Part 3 of Schedule 6 to the Act of 2004”

- (d) after the entry for rule 19 insert—

“**19A** Respondent on application under Part 6 of Schedule 6 to the Act of 2004”;

- (e) for the entry for rule 22 substitute—

“Proceedings by or against a person outside England and Wales for variation or revocation of orders under section 20 of the Act or paragraphs 30 to 34 of Schedule 6 to the Act of 2004”; and

- (f) in the heading below “Part II”—

(i) for “FAMILY LAW ACT 1986 AND”, substitute “FAMILY LAW ACT 1986,”; and

(ii) after “FAMILY LAW ACT 1996”, insert “AND PROCEEDINGS UNDER THE CIVIL PARTNERSHIP ACT 2004”.

11. In rule 2—

- (a) in paragraph (1)—

(i) in the definition of “application”, after “the Act” insert “, the Act of 2004”;

(ii) in the definition of the Act for “.” substitute “,”; and

(iii) after the definition of the Act insert—

““the Act of 2004” means the Civil Partnership Act 2004.”; and

- (b) in paragraph (2), after “the Act,” insert “the Act of 2004,”.

12. In rule 3—

(a) in paragraph (1), omit “, together with any notice attached under paragraph 2(c),”; and

(b) in paragraph (3), after “the Act” insert “or paragraph 14 of Schedule 6 to the Act of 2004”.

13. In rule 5, after “of the Act,” insert “or under Part 1, 2 or 3, or paragraphs 30 to 34, of Schedule 6 to the Act of 2004,”.

14. In rule 16(1), after “the Act” insert “or paragraphs 30 to 34 of Schedule 6 to the Act of 2004, as the case may be,”.

15. In rule 17—

(a) for the heading substitute “Orders made under section 6 of the Act or Part 2 of Schedule 6 to the Act of 2004 in the absence of the respondent”; and

(b) after “the Act” insert “or sub-paragraph (a), (b) or (c) of paragraph 11(2) of Schedule 6 to the Act of 2004”.

16. In rule 18—

(a) for the heading substitute “Application under section 7 of the Act or Part 3 of Schedule 6 to the Act of 2004”; and

(b) after paragraph (1), insert—

“(1A) Where, under paragraph 18 of Schedule 6 to the Act of 2004, a court decides to treat an application under Part 3 of Schedule 6 as if it were an application for an order under Part 1 of that Schedule, the court shall indicate orally which of grounds (a) and

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(b) in paragraph 18(1) it considers applicable and a memorandum of the decision and the grounds therefor shall be entered in the court's register.”.

17. After rule 19 insert—

“Respondent on application under Part 6 of Schedule 6 to the Act of 2004

19A.—(1) The respondent on an application for a variation or revocation of an order under paragraphs 30 to 34 of Schedule 6 to the Act of 2004 shall be the party to the civil partnership in question other than the applicant and, where the order requires payments to be made to or in respect of a child who is 16 years of age or over, that child.

(2) The respondents on an application for the revival of an order under paragraph 40 of Schedule 6 to the Act of 2004 shall be the parties to the proceedings leading to the order which it is sought to have revived.”.

18. In rule 22—

- (a) for the heading substitute “Proceedings by or against a person outside England and Wales for variation or revocation of orders under section 20 of the Act or paragraphs 30 to 34 of Schedule 6 to the Act of 2004”;
- (b) in paragraph (1), after “the Act” insert “or paragraphs 30 to 34 of Schedule 6 to the Act of 2004”;
- (c) in paragraph (2), after “the Act” insert “or under paragraphs 30 to 34 of Schedule 6 to the Act of 2004”; and
- (d) in paragraph (4), after “the Act” insert “or under paragraphs 30 to 34 of Schedule 6 to the Act of 2004”.

19. For rule 23(2) substitute—

“(2) Where—

- (a) in proceedings under the Act, the hearing of an application under section 2 of that Act is adjourned after the court has decided that it is satisfied of any ground mentioned in section 1; or
- (b) in proceedings under the Act of 2004, the hearing of an application under Part 1 of Schedule 6 to that Act is adjourned after the court has decided that it is satisfied of any ground mentioned in paragraph 1,

and the parties to the proceedings agree to the resumption of the hearing in accordance with section 31 of the Act by a court which includes justices who were not sitting when the hearing began, particulars of the agreement shall be entered in the court's register.”.

20. In Form 1—

- (a) in the heading after “(DPMC Act 1978)” insert “OR PART 1 OF SCHEDULE 6 TO THE CIVIL PARTNERSHIP ACT 2004”;
- (b) for “under section 2 of the Domestic Proceedings and Magistrates' Courts Act 1978 on the ground(s) that the respondent—” substitute—

“under:—

[section 2 of the Domestic Proceedings and Magistrates' Courts Act 1978]

[Part 1 of Schedule 6 to the Civil Partnership Act 2004]

on the ground(s) that the respondent—”;

- (c) in the Statement of Means of Applicant, in paragraph 1, after “ Married” insert “ Civil Partner”; and

- (d) in the Statement of Means of Respondent, in paragraph 1, after “ Married” insert “ Civil Partner”.

21. In Form 2—

- (a) in the heading after “(DPMC Act 1978)” insert “OR PART 2 OF SCHEDULE 6 TO THE CIVIL PARTNERSHIP ACT 2004”;
- (b) for “under section 6 of the Domestic Proceedings and Magistrates' Courts Act 1978 on the ground that s/he/the respondent has agreed to:—” substitute—
“under:—
[section 6 of the Domestic Proceedings and Magistrates' Courts Act 1978]
[Part 2 of Schedule 6 to the Civil Partnership Act 2004]
on the ground that s/he/ the respondent has agreed to:—”;
- (c) in the Statement of Means of Applicant, in paragraph 1, after “ Married” insert “ Civil Partner”; and
- (d) in the Statement of Means of Respondent, in paragraph 1, after “ Married” insert “ Civil Partner”.

22. In Form 3—

- (a) in the heading after “(DPMC Act 1978)” insert “OR PART 3 OF SCHEDULE 6 TO THE CIVIL PARTNERSHIP ACT 2004”;
- (b) for the paragraph beginning “who applies for an order for financial provision” substitute—
“who applies for an order for financial provision under:—
[section 7 of the Domestic Proceedings and Magistrates' Courts Act 1978]
[Part 3 of Schedule 6 to the Civil Partnership Act 2004]
not exceeding the aggregate of the payments made to the applicant during the last three months; and states that he/she has been living apart from h. husband/wife/civil partner for a continuous period exceeding three months, neither of them have deserted the other, and that h husband/wife/civil partner has been making periodical payments for (h benefit) (and) (the benefit of (name(s)) being a child/children of the family).”
- (c) in the Statement of Means of Applicant, in paragraph 1, after “ Married” insert “ Civil Partner”; and
- (d) in the Statement of Means of Respondent, in paragraph 1, after “ Married” insert “ Civil Partner”.

23. In Form 4—

- (a) in the heading after “(DPMC Act 1978)” insert “OR PARAGRAPHS 30 TO 34 OF SCHEDULE 6 TO THE CIVIL PARTNERSHIP ACT 2004”;
- (b) for “under section 20 of the Domestic Proceedings and Magistrates' Courts Act 1978 for an order” substitute—
“under:—
[section 20 of the Domestic Proceedings and Magistrates' Courts Act 1978”;
- (c) for “[to [vary] [revoke] an order made under [section 2(1)(b)] [section 2(1)(c)] [section 2(1)(d)]” substitute—
“[to [vary] [revoke] an order made under [section 2(1)(a)] [section 2(1)(b)] [section 2(1)(c)] [section 2(1)(d)]”;

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- (d) for “[to [vary] [revoke] an order made under section 19]” substitute—
 - “[to [vary][revoke] an order made under section 19]
 - [paragraphs 30 to 34 of Schedule 6 of the Civil Partnership Act 2004]
 - [to [vary] [revoke] a [paragraph 2(1)(a)] [paragraph 2(1)(b)] [paragraph 2(1)(c)] [paragraph 2(1)(d)] order]
 - [to [vary][revoke] an order made under Part 2]
 - [for the payment of a lump sum [to the other party to the civil partnership] [to a child of the family] [to the other party to the civil partnership for the benefit of a child of the family]]
 - [to [vary][revoke] an order made under Part 3]
 - [to [vary][revoke] an order made under Part 4]]”;
 - (e) in the Statement of Means of Applicant after “ Married” insert “ Civil Partner”;
 - (f) in the Statement of Means of Respondent after “ Married” insert “ Civil Partner”.
- 24. In Form 5—**
- (a) in the heading, after “and (b))”, insert “OR UNDER PART 2 OF SCHEDULE 6 TO THE CIVIL PARTNERSHIP ACT 2004 (paragraph 11(2)(a) and(b))”;
 - (b) for “under section 6 of the Domestic Proceedings and Magistrates' Courts Act 1978 in the terms set out in the application dated which I have received.” substitute—
 - “under:–
 - [section 6 of the Domestic Proceedings and Magistrates' Courts Act 1978]
 - [Part 2 of Schedule 6 to the Civil Partnership Act 2004]
 - in the terms set out in the application dated which I have received.”;
 - (c) for “under section 6 of the Domestic Proceedings and Magistrates' Courts Act 1978 in the following terms:–” substitute—
 - “under:–
 - [section 6 of the Domestic Proceedings and Magistrates' Courts Act 1978]
 - [Part 2 of Schedule 6 to the Civil Partnership Act 2004]
 - in the following terms:–”; and
 - (d) in the Statement of Means of Respondent, in paragraph 1, after “ Married” insert “ Civil Partner”.
- 25. In Form 6—**
- (a) in the heading after “(DPMC Act 1978, s 6(9)(c))” insert “OR PARAGRAPH 11(2)(c) OF SCHEDULE 6 TO THE CIVIL PARTNERSHIP ACT 2004”; and
 - (b) in the Statement of Means of Child after “ Married” insert “ Civil Partner”.
- 26. In Form 7—**
- (a) in the heading after “(DPMC 1978, s 7(4))” insert “OR TO TREAT APPLICATION UNDER PART 3 OF SCHEDULE 6 TO THE CIVIL PARTNERSHIP ACT 2004 AS APPLICATION FOR ORDER UNDER PART 1 OF SCHEDULE 6 (paragraph 18)”;
 - (b) for “You are hereby notified” substitute “[You are hereby notified]”; and
 - (c) for “power to make under section 7” substitute—
 - “power to make under section 7]

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[You are hereby notified that the above named Magistrates' Court at the hearing of the application made on *(date)* by your civil partner for an order under Part 3 of Schedule 6 to the Civil Partnership Act 2004 (being an order for financial provision not exceeding the aggregate of the payments made to the applicant during the preceding three months) has decided, under paragraph 18(2)(b) of that Schedule, to treat the application as if it were an application under Part 1 of Schedule 6 (for an order for such payments as the court may specify) because the court considers that the orders which it has the power to make under Part 3 of Schedule 6]”.

27. After Form 9, insert as Form 9A the form as set out in Schedule 2 to these Rules.
28. For Form FL401, substitute the form as set out in Schedule 3 to these Rules.
29. In Form FL402, in note 4—
 - (a) after “marriage” insert “or civil partnership”;
 - (b) after “divorce proceedings etc)” insert—

“or

under Part 2 of Schedule 5 to the Civil Partnership Act 2004 (property adjustment on or after dissolution, nullity or separation)”;
 - (c) after “husband and wife” insert “or civil partners”.
30. In the section following Form FL404 headed “Orders under Family Law Act 1996 Part IV”—
 - (a) in paragraphs 2 and 3, omit “matrimonial”; and
 - (b) in paragraph 3, for “marriage” substitute “[marriage][civil partnership]”.
31. In Form FL416, omit “matrimonial” on each occasion that it appears.
32. In Form FL423—
 - (a) in paragraph 2—
 - (i) in sub-paragraph (1), for “the father or mother” substitute “a parent”; and
 - (ii) for sub-paragraph (3), substitute—

“(3) If the mother, or alleged mother, of the person whose parentage is in issue has previously been known by different names state (if you know it)—

 - (a) each full name by which she has previously been known, and
 - (b) the dates between which she was known by each name.”; and
 - (b) in paragraph 8, for “the mother or father” substitute “a parent”.

Family Proceedings Courts (Children Act 1989) Rules 1991

33. In the entry for rule 24 in the Arrangement of Rules, after “residence order” insert “or special guardianship order”.
34. In rule 1(2), after the definition of “section 8 order” insert—

““special guardianship order” has the meaning assigned to it by section 14A,”.
35. In rule 2(5)(c), after “4(3)(b),” insert “4A(3)(b),”.
36. In rule 3(2), after “person making the request”, wherever it appears, insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.
37. In rule 5(4)(a)(iii) and (b), after “parties,” insert “any local authority that is preparing, or has prepared, a report under section 14A(8) or (9),”.

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38. In rule 6(2), after sub-paragraph (a) insert—
“(aa) to any local authority that is preparing, or has prepared, a report under section 14A(8) or (9).”
39. In rule 7(3)—
(a) in sub-paragraphs (a) and (b)(ii), after “parties” insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”; and
(b) in sub-paragraph (b)(i), after “applicant” insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.
40. In rule 9, after “section 8 order” insert “, a special guardianship order”.
41. In rule 11A(6)(b), after “parties” insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.
42. In rules 11B(2)(b)(ii) and 13(1), after “parties” insert “, any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.
43. In rule 14—
(a) for paragraph (1), substitute—
“(1) In this rule, “party” includes the children’s guardian and, where a request or direction concerns a report under—
(a) section 7, the welfare officer or children and family reporter; or
(b) section 14A(8) or (9), the local authority preparing that report.”; and
(b) in paragraph (2), after sub-paragraph (i) insert—
“(j) the preparation of reports under section 14A(8) or (9);
(k) the attendance of the person who prepared the report under section 14A(8) or (9) at any hearing at which the report is to be considered.”
44. In rule 15(5)(c)(ii), after “parties” insert “, any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.
45. In rule 17—
(a) in paragraph (1), after “parties,” insert “any local authority that is preparing, or has prepared, a report under section 14A(8) or (9).”; and
(b) in paragraphs (4) and (5), after “section 8 order” insert “or a special guardianship order”.
46. After rule 17, insert—

“Disclosure of report under section 14A(8) or (9)

17A.—(1) In proceedings for a special guardianship order, the local authority shall file the report under section 14A(8) or (9) within the timetable fixed by the court.

(2) The justices' clerk or the court shall consider whether to give a direction that the report under section 14A(8) or (9) be disclosed to each party to the proceedings.

(3) Before giving such a direction the justices' clerk or the court shall consider whether any information should be deleted including information which reveals the party’s address in a case where he has declined to reveal it in accordance with rule 33A (disclosure of addresses).

(4) The justices' clerk or the court may direct that the report will not be disclosed to a party.

(5) The designated officer shall serve a copy of the report filed under paragraph (1)—

- (a) in accordance with any direction given under paragraph (2); and
 - (b) on any children’s guardian, welfare officer or children and family reporter.”.
- 47.** In rule 21—
 - (a) after paragraph (3), insert—
 - “(3A) At the hearing at which the report under section 14A(8) or (9) is considered a party to whom the report, or part of it, has been disclosed may question the person who prepared the report about it.”; and
 - (b) in paragraph (7)(b), after “living” insert “, and where applicable, on the local authority that prepared the report under section 14A(8) or (9)”.
- 48.** In rule 23A—
 - (a) in paragraph (2), in the second entry in the table, after “spouse,” (in both cases) insert “civil partner,”; and
 - (b) in paragraph (5), for the definition of “cohabitant” substitute—
 - ““cohabitant” means one of two persons who are neither married to each other nor civil partners of each other but are living together as husband and wife or as if they were civil partners;”.
- 49.** In rule 24, after “residence order” wherever it appears insert “or special guardianship order”.
- 50.** In Schedule 1—
 - (a) in the list of forms—
 - (i) after the entry relating to Form C13, in the first column insert “C13A”, in the second column insert “Supplement”, and in the third column insert “for an application for a Special Guardianship Order”; and
 - (ii) after the entry relating to Form C43, in the first column insert “C43A”, in the second column insert “Order”, and in the third column insert “Special Guardianship Order”;
 - (b) in Form C1, in paragraph 10—
 - (i) for “mother and father” substitute “parents”; and
 - (ii) after “married to each other” insert “or civil partners of each other”;
 - (c) in Form C10A—
 - (i) in paragraph 1, after “married,” insert “in a civil partnership,”; and
 - (ii) in paragraph 2, after “spouse,” insert “civil partner,”;
 - (d) in Form C44 after “[13(1)]”, each time it occurs, insert “[14C(3)]”;
 - (e) in Form C45—
 - (i) for “Section 4(1)” substitute “Section [4(1)] [4A(1)]”; and
 - (ii) for “Section 4(2A)” substitute “Section [4(2A)] [4A(3)]”; and
 - (f) insert as Forms C13A and C43A the forms as set out in Schedule 4 to these Rules.
- 51.** In Schedule 2, in the entry relating to section 4(1)(c), 4(3), 5(1) etc—
 - (a) in column (i)—
 - (i) after “4(3),” insert “4A(1)(b), 4A(3),”; and
 - (ii) after “13(1),” insert “14A, 14C(3), 14D,”;
 - (b) at the end of column (iii), add—
 - “in the case of an application under section 14A, if a care order is in force with respect to the child, the child”; and

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(c) at the end of column (iv), add—

“in the case of an application under section 14A—

- (a) if the child is not being accommodated by the local authority, the local authority in whose area the applicant is ordinarily resident, and
- (b) every other person whom the applicant believes—
 - (i) to be named in a court order with respect to that child which remains in force,
 - (ii) to be a party to pending proceedings in respect of the same child,
 - (iii) to be a person with whom the child has lived for at least 3 years prior to the application,

unless, in a case to which (i) or (ii) applies, the applicant believes that the court order or pending proceedings are not relevant to the application;

in the case of an application under section 14D—

- (a) as for applications under section 14A above, and
- (b) the local authority that prepared the report under section 14A(8) or (9) in the proceedings leading to the order which it is sought to have varied or discharged, if different from any local authority that will be otherwise be notified ”.