STATUTORY INSTRUMENTS

2010 No. 2955 (L. 17)

FAMILY PROCEEDINGS SENIOR COURTS OF ENGLAND AND WALES COUNTY COURTS, ENGLAND AND WALES MAGISTRATES' COURTS, ENGLAND AND WALES

The Family Procedure Rules 2010

Made - - -Laid before Parliament Coming into force 13th December 2010 17th December 2010 6th April 2011

THE FAMILY PROCEDURE RULES 2010

PART 1

OVERRIDING OBJECTIVE

- 1.1 The overriding objective
- 1.2 Application by the court of the overriding objective
- 1.3 Duty of the parties
- 1.4 Court's duty to manage cases

PART 2

APPLICATION AND INTERPRETATION OF THE RULES

- 2.1 Application of these Rules
- 2.2 The glossary
- 2.3 Interpretation
- 2.4 Modification of rules in application to serial numbers etc.
- 2.5 Power to perform functions conferred on the court by these rules and practice directions
- 2.6 Powers of the single justice to perform functions under the 1989 Act, the 1996 Act, the 2002 Act and the Childcare Act 2006
- 2.7 Single justice's power to refer to a magistrates' court

- 2.8 Court's discretion as to where it deals with cases
- 2.9 Computation of time
- 2.10 Dates for compliance to be calendar dates and to include time of day

ALTERNATIVE DISPUTE RESOLUTION: THE COURT'S POWERS

- 3.1 Scope of this Part
- 3.2 Court's duty to consider alternative dispute resolution
- 3.3 When the court will adjourn proceedings or a hearing in proceedings

PART 4

GENERAL CASE MANAGEMENT POWERS

- 4.1 The court's general powers of management
- 4.2 Court officer's power to refer to the court
- 4.3 Court's power to make order of its own initiative
- 4.4 Power to strike out a statement of case
- 4.5 Sanctions have effect unless defaulting party obtains relief
- 4.6 Relief from sanctions
- 4.7 General power of the court to rectify matters where there has been an error of procedure
- 4.8 Power of the court to make civil restraint orders

PART 5

FORMS AND START OF PROCEEDINGS

- 5.1 Forms
- 5.2 Documents to be attached to a form
- 5.3 Proceedings are started by issue of application form

PART 6

SERVICE

CHAPTER 1

SCOPE OF THIS PART AND INTERPRETATION

- 6.1 Part 6 rules about service apply generally
- 6.2 Interpretation

CHAPTER 2

SERVICE OF THE APPLICATION FOR A MATRIMONIAL ORDER OR CIVIL PARTNERSHIP ORDER IN THE JURISDICTION

- 6.3 Interpretation
- 6.4 Methods of service
- 6.5 Who is to serve the application
- 6.6 Every respondent to be served
- 6.7 Personal service
- 6.8 Service of application by the court
- 6.9 Service by the bailiff

- 6.10 Where to serve the application general provisions
- 6.11 Service of the application on a solicitor within the jurisdiction or in any EEA state
- 6.12 Service of the application where the respondent gives an address at which the respondent may be served
- 6.13 Service of the application where the respondent does not give an address at which the respondent may be served
- 6.14 Service of the application on children and protected parties
- 6.15 Deemed service receipt of acknowledgment of service
- 6.16 Deemed service by post or alternative service where no acknowledgment of service filed
- 6.17 Proof of personal service where no acknowledgment of service filed
- 6.18 Proof of service by the court etc.
- 6.19 Service of the application by an alternative method or at an alternative place
- 6.20 Power of the court to dispense with service of the application
- 6.21 Notification of failure of service by the court
- 6.22 Notice of non-service by bailiff

SERVICE OF DOCUMENTS OTHER THAN AN APPLICATION FOR A MATRIMONIAL ORDER OR CIVIL PARTNERSHIP ORDER IN THE UNITED KINGDOM

- 6.23 Method of service
- 6.24 Who is to serve
- 6.25 Personal service
- 6.26 Address for service
- 6.27 Change of address for service
- 6.28 Service of an application form commencing proceedings on children and protected parties
- 6.29 Service of other documents on or by children and protected parties where a litigation friend has been or will be appointed
- 6.30 Service on or by children where a children's guardian has been or will be appointed under rule 16.4
- 6.31 Service on or by children where a children's guardian has been appointed under rule 16.3
- 6.32 Supplementary provisions relating to service on children and protected parties
- 6.33 Supplementary provision relating to service on children
- 6.34 Deemed service
- 6.35 Service by an alternative method or at an alternative place
- 6.36 Power to dispense with service
- 6.37 Certificate of service
- 6.38 Notification of outcome of service by the court
- 6.39 Notification of non-service by bailiff

CHAPTER 4

SERVICE OUT OF THE JURISDICTION

- 6.40 Scope and interpretation
- 6.41 Permission to serve not required

- 6.42 Period for acknowledging service or responding to application where application is served out of the jurisdiction
- 6.43 Method of service general provisions
- 6.44 Service in accordance with the Service Regulation
- 6.45 Service through foreign governments, judicial authorities and British Consular authorities
- 6.46 Procedure where service is to be through foreign governments, judicial authorities and British Consular authorities
- 6.47 Translation of application form or other document
- 6.48 Undertaking to be responsible for expenses of the Foreign and Commonwealth Office

PROCEDURE FOR APPLICATIONS IN MATRIMONIAL AND CIVIL PARTNERSHIP PROCEEDINGS

CHAPTER 1

APPLICATION AND INTERPRETATION

- 7.1 Application and interpretation
- 7.2 District Registries
- 7.3 Principal Registry
- 7.4 References to respondents

CHAPTER 2

RULES ABOUT STARTING AND RESPONDING TO PROCEEDINGS

- 7.5 Starting proceedings
- 7.6 Statement of reconciliation
- 7.7 Limitation on applications in respect of same marriage or civil partnership
- 7.8 Service of application
- 7.9 Withdrawal of application before service
- 7.10 Who the parties are
- 7.11 Nullity: Interim and full gender recognition certificates
- 7.12 What the respondent and co-respondent should do on receiving the application
- 7.13 Amendments to the application and the answer
- 7.14 How the respondent can make an application
- 7.15 Further information about the contents of the application and the answer

CHAPTER 3

HOW THE COURT DETERMINES MATRIMONIAL AND CIVIL PARTNERSHIP PROCEEDINGS

- 7.16 General rule hearing to be in public
- 7.17 Exercise of jurisdiction in cases heard at place other than the court in which the case is proceeding
- 7.18 Notice of hearing
- 7.19 Applications for a decree nisi or a conditional order

- 7.20 What the court will do on an application for a decree nisi, a conditional order, a decree of judicial separation or a separation order
- 7.21 Further provisions about costs
- 7.22 What the court must do for the case management hearing
- 7.23 Where proceedings under this Part may be heard
- 7.24 The circumstances in which proceedings may be transferred between courts
- 7.25 The procedure for complying with section 41 of 1973 Act or section 63 of 2004 Act
- 7.26 Medical examinations in proceedings for nullity of marriage
- 7.27 Stay of proceedings

COURT ORDERS

- 7.28 The circumstances in which an order may be set aside (rescission)
- 7.29 Applications under section 10(2) of 1973 Act or section 48(2) of 2004 Act
- 7.30 Orders under section 10A(2) of the 1973 Act
- 7.31 Applications to prevent decrees nisi being made absolute or conditional orders being made final
- 7.32 Making decrees nisi absolute or conditional orders final by giving notice
- 7.33 Applications to make decrees nisi absolute or conditional orders final
- 7.34 What the court officer must do when a decree nisi is made absolute
- 7.35 What the court officer must do when a conditional order is made final
- 7.36 Records of decrees absolute and final orders

PART 8

PROCEDURE FOR MISCELLANEOUS APPLICATIONS

CHAPTER 1

PROCEDURE

8.1 Procedure

CHAPTER 2

APPLICATION FOR CORRECTED GENDER RECOGNITION CERTIFICATE

- 8.2 Scope of this Chapter
- 8.3 Where to start proceedings
- 8.4 Who the parties are
- 8.5 Delivery of copy certificate to Secretary of State

CHAPTER 3

APPLICATION FOR ALTERATION OF MAINTENANCE AGREEMENT AFTER DEATH OF ONE PARTY

- 8.6 Scope of this Chapter
- 8.7 Where to start proceedings
- 8.8 Who the parties are
- 8.9 Representative parties

- 8.10 Acknowledgment of service
- 8.11 Hearings may be in private

APPLICATION FOR QUESTION AS TO PROPERTY TO BE DECIDED IN SUMMARY WAY

- 8.12 Scope of this Chapter
- 8.13 Procedure
- 8.14 Where to start proceedings
- 8.15 Mortgagees as parties
- 8.16 Injunctions
- 8.17 Application of other rules

CHAPTER 5

DECLARATIONS

- 8.18 Scope of this Chapter
- 8.19 Where to start proceedings
- 8.20 Who the parties are
- 8.21 The role of the Attorney General
- 8.22 Declarations of parentage

CHAPTER 6

APPLICATION FOR PERMISSION TO APPLY FOR A FINANCIAL REMEDY AFTER OVERSEAS PROCEEDINGS

- 8.23 Scope of this Chapter
- 8.24 Where and how to start proceedings
- 8.25 Application to be made without notice
- 8.26 Notification of hearing date
- 8.27 Hearings to be in private unless the court directs otherwise
- 8.28 Direction that application be dealt with by a district judge of the principal registry

CHAPTER 7

APPLICATION FOR THE TRANSFER OF A TENANCY UNDER SECTION 53 OF, AND SCHEDULE 7 TO, THE 1996 ACT

- 8.29 Scope of this Chapter
- 8.30 Where to start proceedings
- 8.31 Service of the application
- 8.32 Who the parties are
- 8.33 Orders for disclosure
- 8.34 Injunctions

APPLICATIONS FOR ORDERS PREVENTING AVOIDANCE UNDER SECTION 32L OF THE CHILD SUPPORT ACT 1991

- 8.35 Scope of this Chapter
- 8.36 Interpretation
- 8.37 Where to start proceedings
- 8.38 Who the parties are
- 8.39 Service of the application
- 8.40 Applications without notice

CHAPTER 9

APPLICATION FOR CONSENT TO MARRIAGE OF A CHILD OR TO REGISTRATION OF CIVIL PARTNERSHIP OF A CHILD

- 8.41 Scope of this Chapter
- 8.42 Child acting without a children's guardian
- 8.43 Who the respondents are

PART 9

APPLICATIONS FOR A FINANCIAL REMEDY

CHAPTER 1

APPLICATION AND INTERPRETATION

- 9.1 Application
- 9.2 Application of Magistrates' Courts Rules 1981
- 9.3 Interpretation

CHAPTER 2

PROCEDURE FOR APPLICATIONS

- 9.4 When an Application for a financial order may be made
- 9.5 Where to start proceedings
- 9.6 Application for an order preventing a disposition
- 9.7 Application for interim orders
- 9.8 Application for periodical payments order at same rate as an order for maintenance pending suit
- 9.9 Application for periodical payments order at same rate as an order for maintenance pending outcome of proceedings

CHAPTER 3

APPLICATIONS FOR FINANCIAL REMEDIES FOR CHILDREN

- 9.10 Application by parent, guardian etc for financial remedy in respect of children
- 9.11 Children to be separately represented on certain applications

PROCEDURE IN THE HIGH COURT AND COUNTY COURT AFTER FILING AN APPLICATION

- 9.12 Duties of the court and the applicant upon issuing an application
- 9.13 Service of application on mortgagees, trustees etc
- 9.14 Procedure before the first appointment
- 9.15 Duties of the court at the first appointment
- 9.16 After the first appointment
- 9.17 The FDR appointment

CHAPTER 5

PROCEDURE IN THE MAGISTRATES' COURT AFTER FILING AN APPLICATION

- 9.18 Duties of the court and the applicant upon filing an application
- 9.19 Procedure before the first hearing
- 9.20 Power of the court to direct filing of evidence and set dates for further hearings
- 9.21 Who the respondent is on an application under section 20 or section 20A of the 1978 Act or Part 6 of Schedule 6 to the 2004 Act
- 9.22 Proceedings by or against a person outside England and Wales for orders under section 20 of the 1978 Act or paragraphs 30 to 34 of Schedule 6 to the 2004 Act other than proceedings for variation of orders
- 9.23 Duty to make entries in the court's register

CHAPTER 6

GENERAL PROCEDURE

- 9.24 Power to order delivery up of possession etc.
- 9.25 Where proceedings may be heard
- 9.26 Applications for consent orders for financial remedy

CHAPTER 7

ESTIMATES OF COSTS

- 9.27 Estimates of Costs
- 9.28 Duty to make open proposals

CHAPTER 8

PENSIONS

- 9.29 Application and interpretation of this Chapter
- 9.30 What the party with pension rights must do when the court fixes a first appointment
- 9.31 Applications for pension sharing orders
- 9.32 Applications for consent orders for pension sharing
- 9.33 Applications for pension attachment orders
- 9.34 Applications for consent orders for pension attachment

- 9.35 Pension sharing orders or pension attachment orders
- 9.36 Duty of the court upon making a pension sharing order or a pension attachment order
- 9.37 Procedure where Pension Protection Fund becomes involved with the pension scheme

PENSION PROTECTION FUND COMPENSATION

- 9.38 Application and interpretation of this Chapter
- 9.39 What the party with compensation rights must do when the court fixes a first appointment
- 9.40 Applications for pension compensation sharing orders
- 9.41 Applications for consent orders for pension compensation sharing
- 9.42 Applications for pension compensation attachment orders
- 9.43 Applications for consent orders for pension compensation attachment
- 9.44 Pension compensation sharing orders or pension compensation attachment orders
- 9.45 Duty of the court upon making a pension compensation sharing order or a pension compensation attachment order

PART 10

APPLICATIONS UNDER PART 4 OF THE FAMILY LAW ACT 1996

- 10.1 Scope and interpretation of this Part
- 10.2 Applications for an occupation order or a non-molestation order
- 10.3 Service of the application
- 10.4 Transfer of pending proceedings to another court
- 10.5 Privacy
- 10.6 Service of an order
- 10.7 Representations made by a mortgagee or landlord
- 10.8 Applications to vary, extend or discharge an order
- 10.9 Orders containing provisions to which a power of arrest is attached
- 10.10 Service of an order on the officer for the time being in charge of a police station
- 10.11 Proceedings following arrest in a county court or the High Court
- 10.12 Enforcement of an order in a county court
- 10.13 Enforcement of an undertaking in a county court
- 10.14 Power to adjourn the hearing for consideration of the penalty
- 10.15 Hospital orders or guardianship orders under the Mental Health Act 1983
- 10.16 Transfer directions under section 48 of the Mental Health Act 1983
- 10.17 Recognizances

PART 11

APPLICATIONS UNDER PART 4A OF THE FAMILY LAW ACT 1996

- 11.1 Scope and interpretation
- 11.2 Applications
- 11.3 Permission to apply
- 11.4 Service of applications on notice
- 11.5 Transfer of proceedings
- 11.6 Parties

- 11.7 Hearings and service of orders
- 11.8 Orders made by the court of its own initiative
- 11.9 Representations in respect of orders
- 11.10 Applications to vary, extend or discharge an order
- 11.11 Orders containing provisions to which a power of arrest is attached
- 11.12 Service where order contains a power of arrest
- 11.13 Application for issue of warrant for arrest
- 11.14 Proceedings following arrest
- 11.15 Enforcement of orders
- 11.16 Power to adjourn the hearing for consideration of the penalty
- 11.17 Hospital orders or guardianship orders under the Mental Health Act 1983
- 11.18 Transfer directions under section 48 of the Mental Health Act 1983
- 11.19 Recognizances

PROCEEDINGS RELATING TO CHILDREN EXCEPT PARENTAL ORDER PROCEEDINGS AND PROCEEDINGS FOR APPLICATIONS IN ADOPTION, PLACEMENT AND RELATED PROCEEDINGS

CHAPTER 1

INTERPRETATION AND APPLICATION OF THIS PART

- 12.1 Application of this Part
- 12.2 Interpretation

CHAPTER 2

GENERAL RULES

- 12.3 Who the parties are
- 12.4 Notice of proceedings to person with foreign parental responsibility
- 12.5 What the court will do when the application has been issued
- 12.6 Children's guardian, solicitor and reports under section 7 of the 1989 Act
- 12.7 What a court officer will do
- 12.8 Service of the application
- 12.9 Request for transfer from magistrates' court to county court or to another magistrates' court
- 12.10 Procedure following refusal of magistrates' court to order transfer
- 12.11 Transfer of proceedings from one court to another court
- 12.12 Directions
- 12.13 Setting dates for hearings and setting or confirming the timetable and date for the final hearing
- 12.14 Attendance at hearings
- 12.15 Steps taken by the parties
- 12.16 Applications without notice
- 12.17 Investigation under section 37 of the 1989 Act
- 12.18 Disclosure of a report under section 14A(8) or (9) of the 1989 Act
- 12.19 Additional evidence
- 12.20 Expert evidence-examination of child
- 12.21 Hearings

SPECIAL PROVISIONS ABOUT PUBLIC LAW PROCEEDINGS

- 12.22 Application of rules 12.23 to 12.26
- 12.23 Timetable for the Child
- 12.24 Directions
- 12.25 First Appointment, Case Management Conference and Issues Resolution Hearing
- 12.26 Discussion between advocates
- 12.27 Matters prescribed for the purposes of the Act
- 12.28 Exclusion requirements: interim care orders and emergency protection orders
- 12.29 Notification of consent
- 12.30 Proceedings for secure accommodation orders: copies of reports

CHAPTER 4

SPECIAL PROVISIONS ABOUT PRIVATE LAW PROCEEDINGS

- 12.31 The First Hearing Dispute Resolution Appointment
- 12.32 Answer
- 12.33 Applications for warning notices or applications to amend enforcement orders by reason of change of residence
- 12.34 Service of a risk assessment
- 12.35 Service of enforcement orders or orders amending or revoking enforcement orders

CHAPTER 5

SPECIAL PROVISIONS ABOUT INHERENT JURISDICTION PROCEEDINGS

- 12.36 Where to start proceedings
- 12.37 Child as respondent to wardship proceedings
- 12.38 Registration requirements
- 12.39 Notice of child's whereabouts
- 12.40 Enforcement of orders in wardship proceedings
- 12.41 Child ceasing to be ward of court
- 12.42 Adoption of a child who is a ward of court

CHAPTER 6

PROCEEDINGS UNDER THE 1980 HAGUE CONVENTION, THE EUROPEAN CONVENTION, THE COUNCIL REGULATION, AND THE 1996 HAGUE CONVENTION

12.43 Scope

SECTION 1

Proceedings under the 1980 Hague Convention or the European Convention

- 12.44 Interpretation
- 12.45 Where to start proceedings

- 12.46 Evidence in support of application
- 12.47 Without-notice applications
- 12.48 Directions
- 12.49 Answer
- 12.50 Filing and serving written evidence
- 12.51 Adjournment
- 12.52 Stay of proceedings upon notification of wrongful removal etc.
- 12.53 Stay of proceedings where application made under s.16 of the 1985 Act (registration of decisions under the European Convention)
- 12.54 Transfer of proceedings
- 12.55 Revocation and variation of registered decisions
- 12.56 The central index of decisions registered under the 1985 Act
- 12.57 Disclosure of information in proceedings under the European Convention

SECTION 2

Applications relating to the Council Regulation and the 1996 Hague Convention

- 12.58 Interpretation
- 12.59 Procedure under Article 11(6) of the Council Regulation where the court makes a non-return order under Article 13 of the 1980 Hague Convention
- 12.60 Procedure under Article 11(7) of the Council Regulation where the court receives a non-return order made under Article 13 of the 1980 Hague Convention by a court in another Member State
- 12.61 Transfer of proceedings under Article 15 of the Council Regulation or under Article 8 of the 1996 Hague Convention
- 12.62 Application by a party for transfer of the proceedings
- 12.63 Application by a court of another Member State or another Contracting State for transfer of the proceedings
- 12.64 Exercise by the court of its own initiative of powers to seek to transfer the proceedings
- 12.65 Application to High Court to make request under Article 15 of the Council Regulation or Article 9 of the 1996 Hague Convention to request transfer of jurisdiction
- 12.66 Procedure where the court receives a request from the authorities of another Member State or Contracting State to assume jurisdiction in a matter concerning a child
- 12.67 Service of the court's order or request relating to transfer of jurisdiction under the Council Regulation or the 1996 Hague Convention
- 12.68 Questions as to the court's jurisdiction or whether the proceedings should be stayed
- 12.69 Request for consultation as to contemplated placement of child in England and Wales
- 12.70 Request made by court in England and Wales for consultation as to contemplated placement of child in another Member State or Contracting State
- 12.71 Application for a declaration as to the extent, or existence, of parental responsibility in relation to a child under Article 16 of the 1996 Hague Convention

COMMUNICATION OF INFORMATION: PROCEEDINGS RELATING TO CHILDREN

- 12.72 Interpretation
- 12.73 Communication of information: general
- 12.74 Instruction of experts
- 12.75 Communication of information for purposes connected with the proceedings

PART 13

PROCEEDINGS UNDER SECTION 54 OF THE HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

- 13.1 Interpretation and application
- 13.2 Application of Part 12
- 13.3 Who the parties are
- 13.4 Notice of proceedings to person with foreign parental responsibility
- 13.5 What the court or a court officer will do when the application has been issued
- 13.6 Service of the application and other documents
- 13.7 Acknowledgement
- 13.8 Date for first directions hearing
- 13.9 The first directions hearing
- 13.10 Where the agreement of the other parent or the woman who carried the child is not required
- 13.11 Agreement
- 13.12 Reports of the parental order reporter and disclosure to the parties
- 13.13 Notice of final hearing
- 13.14 The final hearing
- 13.15 Proof of identity of the child
- 13.16 Disclosing information to an adult who was subject to a parental order
- 13.17 Application for recovery orders
- 13.18 Keeping of registers, custody, inspection and disclosure of documents and information
- 13.19 Documents held by the court not to be inspected or copied without the court's permission
- 13.20 Orders
- 13.21 Copies of orders
- 13.22 Amendment and revocation of orders

PART 14

PROCEDURE FOR APPLICATIONS IN ADOPTION, PLACEMENT AND RELATED PROCEEDINGS

- 14.1 Application of this Part and interpretation
- 14.2 Application for a serial number
- 14.3 Who the parties are
- 14.4 Notice of proceedings to person with foreign parental responsibility
- 14.5 Who is to serve
- 14.6 What the court or a court officer will do when the application has been issued
- 14.7 Date for first directions hearing

- 14.8 The first directions hearing
- 14.9 Requesting the court to dispense with the consent of any parent or guardian
- 14.10 Consent
- 14.11 Reports by the adoption agency or local authority
- 14.12 Health reports
- 14.13 Confidential reports to the court and disclosure to the parties
- 14.14 Communication of information relating to proceedings
- 14.15 Notice of final hearing
- 14.16 The final hearing
- 14.17 Proof of identity of the child
- 14.18 Disclosing information to an adopted adult
- 14.19 Translation of documents
- 14.20 Application for recovery orders
- 14.21 Inherent jurisdiction and fathers without parental responsibility
- 14.22 Timing of applications for section 89 order
- 14.23 Custody of documents
- 14.24 Documents held by the court not to be inspected or copied without the court's permission
- 14.25 Orders
- 14.26 Copies of orders
- 14.27 Amendment and revocation of orders
- 14.28 Keeping registers in the family proceedings court

REPRESENTATION OF PROTECTED PARTIES

- 15.1 Application of this Part
- 15.2 Requirement for litigation friend in proceedings
- 15.3 Stage of proceedings at which a litigation friend becomes necessary
- 15.4 Who may be a litigation friend for a protected party without a court order
- 15.5 How a person becomes a litigation friend without a court order
- 15.6 How a person becomes a litigation friend by court order
- 15.7 Court's power to change litigation friend and to prevent person acting as litigation friend
- 15.8 Appointment of litigation friend by court order supplementary
- 15.9 Procedure where appointment of litigation friend comes to an end

PART 16

REPRESENTATION OF CHILDREN AND REPORTS IN PROCEEDINGS INVOLVING CHILDREN

CHAPTER 1

APPLICATION OF THIS PART

16.1 Application of this Part

CHAPTER 2

CHILD AS PARTY IN FAMILY PROCEEDINGS

16.2 When the court may make a child a party to proceedings

WHEN A CHILDREN'S GUARDIAN OR LITIGATION FRIEND WILL BE APPOINTED

- 16.3 Appointment of a children's guardian in specified proceedings or proceedings to which Part 14 applies
- 16.4 Appointment of a children's guardian in proceedings not being specified proceedings or proceedings to which Part 14 applies
- 16.5 Requirement for a litigation friend

CHAPTER 4

WHERE A CHILDREN'S GUARDIAN OR LITIGATION FRIEND IS NOT REQUIRED

16.6 Circumstances in which a child does not need a children's guardian or litigation friend

CHAPTER 5

LITIGATION FRIEND

- 16.7 Application of this Chapter
- 16.8 Stage of proceedings at which a litigation friend becomes necessary
- 16.9 Who may be a litigation friend for a child without a court order
- 16.10 How a person becomes a litigation friend without a court order
- 16.11 Appointment of litigation friend by the court
- 16.12 Court's power to change litigation friend and to prevent person acting as litigation friend
- 16.13 Appointment of litigation friend by court order supplementary
- 16.14 Powers and duties of litigation friend
- 16.15 Procedure where appointment of litigation friend comes to an end

CHAPTER 6

CHILDREN'S GUARDIAN APPOINTED UNDER RULE 16.3

- 16.16 Application of this Chapter
- 16.17 Who may be a children's guardian
- 16.18 What the court or a court officer will do once the court has made a decision about appointing a children's guardian
- 16.19 Termination of the appointment of the children's guardian
- 16.20 Powers and duties of the children's guardian
- 16.21 Where the child instructs a solicitor or conducts proceedings on the child's own behalf

CHAPTER 7

CHILDREN'S GUARDIAN APPOINTED UNDER RULE 16.4

- 16.22 Application of this Chapter
- 16.23 Stage of proceedings at which a children's guardian becomes necessary
- 16.24 Appointment of a children's guardian

- 16.25 Court's power to change children's guardian and to prevent person acting as children's guardian
- 16.26 Appointment of children's guardian by court order supplementary
- 16.27 Powers and duties of children's guardian
- 16.28 Procedure where appointment of children's guardian comes to an end

DUTIES OF SOLICITOR ACTING FOR THE CHILD

16.29 Solicitor for child

CHAPTER 9

REPORTING OFFICER

- 16.30 When the court appoints a reporting officer
- 16.31 Appointment of the same reporting officer in respect of two or more parents or guardians
- 16.32 The duties of the reporting officer

CHAPTER 10

CHILDREN AND FAMILY REPORTER AND WELFARE OFFICER

16.33 Request by court for a welfare report in respect of the child

CHAPTER 11

PARENTAL ORDER REPORTER

- 16.34 When the court appoints a parental order reporter
- 16.35 Powers and duties of the parental order reporter

CHAPTER 12

SUPPLEMENTARY APPOINTMENT PROVISIONS

- 16.36 Persons who may not be appointed as children's guardian, reporting officer or children and family reporter
- 16.37 Appointment of the same person as children's guardian, reporting officer and children and family reporter

CHAPTER 13

OFFICERS OF THE SERVICE, WELSH FAMILY PROCEEDINGS OFFICERS AND LOCAL AUTHORITY OFFICERS: FURTHER DUTIES

16.38 Officers of the Service, Welsh family proceedings officers and local authority officers acting under certain duties

ENFORCEMENT ORDERS AND FINANCIAL COMPENSATION ORDERS: PERSONS NOTIFIED

16.39 Application for enforcement orders and financial compensation orders: duties of the person notified

PART 17

STATEMENTS OF TRUTH

- 17.1 Interpretation
- 17.2 Documents to be verified by a statement of truth
- 17.3 Failure to verify a statement of case
- 17.4 Failure to verify a witness statement
- 17.5 Power of the court to require a document to be verified
- 17.6 False statements

PART 18

PROCEDURE FOR OTHER APPLICATIONS IN PROCEEDINGS

- 18.1 Types of application for which Part 18 procedure may be followed
- 18.2 Applications for permission to start proceedings
- 18.3 Respondents to applications under this Part
- 18.4 Application notice to be filed
- 18.5 Notice of an application
- 18.6 Time when an application is made
- 18.7 What an application notice must include
- 18.8 Service of a copy of an application notice
- 18.9 Applications which may be dealt with without a hearing
- 18.10 Service of application notice following court order where application made without notice
- 18.11 Application to set aside or vary order made without notice
- 18.12 Power of the court to proceed in the absence of a party
- 18.13 Dismissal of totally without merit applications

PART 19

ALTERNATIVE PROCEDURE FOR APPLICATIONS

- 19.1 Types of application for which Part 19 procedure may be followed
- 19.2 Applications for which the Part 19 procedure must be followed
- 19.3 Contents of the application
- 19.4 Issue of application without naming respondents
- 19.5 Acknowledgment of service
- 19.6 Consequence of not filing an acknowledgment of service
- 19.7 Filing and serving written evidence
- 19.8 Evidence general
- 19.9 Procedure where respondent objects to use of the Part 19 procedure

INTERIM REMEDIES AND SECURITY FOR COSTS

CHAPTER 1

INTERIM REMEDIES

- 20.1 Scope of this Part
- 20.2 Orders for interim remedies
- 20.3 Time when an order for an interim remedy may be made
- 20.4 How to apply for an interim remedy
- 20.5 Interim injunction to cease if application is stayed

CHAPTER 2

SECURITY FOR COSTS

- 20.6 Security for costs
- 20.7 Conditions to be satisfied
- 20.8 Security for costs of an appeal

PART 21

MISCELLANEOUS RULES ABOUT DISCLOSURE AND INSPECTION OF DOCUMENTS

- 21.1 Interpretation
- 21.2 Orders for disclosure against a person not a party
- 21.3 Claim to withhold inspection or disclosure of a document

PART 22

EVIDENCE

CHAPTER 1

GENERAL RULES

- 22.1 Power of court to control evidence
- 22.2 Evidence of witnesses general rule
- 22.3 Evidence by video link or other means
- 22.4 Witness statements
- 22.5 Service of witness statements for use at the final hearing
- 22.6 Use at the final hearing of witness statements which have been served
- 22.7 Evidence at hearings other than the final hearing
- 22.8 Order for cross-examination
- 22.9 Witness summaries
- 22.10 Consequence of failure to serve witness statement
- 22.11 Cross-examination on a witness statement
- 22.12 Affidavit evidence
- 22.13 Form of affidavit
- 22.14 Affidavit made outside the jurisdiction
- 22.15 Notice to admit facts
- 22.16 Notice to admit or produce documents
- 22.17 Notarial acts and instruments

RULES APPLYING ONLY TO PARTICULAR PROCEEDINGS

- 22.18 Scope of this Chapter
- 22.19 Availability of witness statements for inspection during the final hearing
- 22.20 Use of witness statements for other purposes

PART 23

MISCELLANEOUS RULES ABOUT EVIDENCE

- 23.1 Scope and interpretation of this Part
- 23.2 Notice of intention to rely on hearsay evidence
- 23.3 Circumstances in which notice of intention to rely on hearsay evidence is not required
- 23.4 Power to call witness for cross-examination on hearsay evidence
- 23.5 Credibility
- 23.6 Use of plans, photographs and models etc as evidence
- 23.7 Evidence of finding on question of foreign law
- 23.8 Evidence of consent of trustee to act
- 23.9 Note of oral evidence in magistrates' courts

PART 24

WITNESSES, DEPOSITIONS GENERALLY AND TAKING OF EVIDENCE IN MEMBER STATES OF THE EUROPEAN UNION

CHAPTER 1

WITNESSES AND DEPOSITIONS

- 24.1 Scope of this Chapter
- 24.2 Witness summonses
- 24.3 Issue of a witness summons
- 24.4 Time for serving a witness summons
- 24.5 Who is to serve a witness summons
- 24.6 Right of witness to travelling expenses and compensation for loss of time
- 24.7 Evidence by deposition
- 24.8 Conduct of examination
- 24.9 Enforcing attendance of witness
- 24.10 Use of deposition at a hearing
- 24.11 Restrictions on subsequent use of deposition taken for the purpose of any hearing except the final hearing
- 24.12 Where a person to be examined is out of the jurisdiction letter of request
- 24.13 Fees and expenses of examiner of the court
- 24.14 Examiners of the court

CHAPTER 2

TAKING OF EVIDENCE - MEMBER STATES OF THE EUROPEAN UNION

- 24.15 Interpretation
- 24.16 Where a person to be examined is in another Regulation State

EXPERTS AND ASSESSORS

- 25.1 Duty to restrict expert evidence
- 25.2 Interpretation
- 25.3 Experts- overriding duty to the court
- 25.4 Court's power to restrict expert evidence
- 25.5 General requirement for expert evidence to be given in a written report
- 25.6 Written questions to experts
- 25.7 Court's power to direct that evidence is to be given by a single joint expert
- 25.8 Instructions to a single joint expert
- 25.9 Power of court to direct a party to provide information
- 25.10 Contents of report
- 25.11 Use by one party of expert's report disclosed by another
- 25.12 Discussions between experts
- 25.13 Expert's right to ask court for directions
- 25.14 Assessors

PART 26

CHANGE OF SOLICITOR

- 26.1 Solicitor acting for a party
- 26.2 Change of solicitor duty to give notice
- 26.3 Order that a solicitor has ceased to act
- 26.4 Removal of solicitor who has ceased to act on application of another party

PART 27

HEARINGS AND DIRECTIONS APPOINTMENTS

- 27.1 Application of this Part
- 27.2 Reasons for a decision of the magistrates' courts
- 27.3 Attendance at hearing or directions appointment
- 27.4 Proceedings in the absence of a party
- 27.5 Application to set aside judgment or order following failure to attend
- 27.6 Court bundles and place of filing of documents and bundles
- 27.7 Representation of companies or other corporations
- 27.8 Impounded documents
- 27.9 Official shorthand note etc of proceedings
- 27.10 Hearings in private
- 27.11 Attendance at private hearings

PART 28

COSTS

- 28.1 Costs
- 28.2 Application of other rules
- 28.3 Costs in financial remedy proceedings
- 28.4 Wasted costs orders in the magistrates' court: appeals

MISCELLANEOUS

- 29.1 Personal details
- 29.2 Disclosure of information under the 1991 Act
- 29.3 Method of giving notice
- 29.4 Withdrawal of applications in proceedings
- 29.5 The Human Rights Act 1998
- 29.6 Documents in proceedings concerning gender recognition
- 29.7 Stamping or sealing court documents
- 29.8 Applications for relief which is precluded by the 1991 Act
- 29.9 Modification of rule 29.8 where the application is not freestanding
- 29.10 Standard requirements
- 29.11 Drawing up and filing of judgments and orders
- 29.12 Copies of orders made in open court
- 29.13 Service of judgments and orders
- 29.14 Power to require judgment or order to be served on a party as well as the party's solicitor
- 29.15 When judgment or order takes effect
- 29.16 Correction of errors in judgments and orders

PART 30

APPEALS

- 30.1 Scope and interpretation
- 30.2 Parties to comply with the practice direction
- 30.3 Permission
- 30.4 Appellant's notice
- 30.5 Respondent's notice
- 30.6 Grounds of appeal
- 30.7 Variation of time
- 30.8 Stay
- 30.9 Amendment of appeal notice
- 30.10 Striking out appeal notices and setting aside or imposing conditions on permission to appeal
- 30.11 Appeal court's powers
- 30.12 Hearing of appeals
- 30.13 Assignment of appeals to the Court of Appeal
- 30.14 Reopening of final appeals

PART 31

REGISTRATION OF ORDERS UNDER THE COUNCIL REGULATION, THE CIVIL PARTNERSHIP (JURISDICTION AND RECOGNITION OF JUDGMENTS) REGULATIONS 2005 AND UNDER THE HAGUE CONVENTION 1996

- 31.1 Scope
- 31.2 Interpretation
- 31.3 Where to start proceedings
- 31.4 Application for registration, recognition or non-recognition of a judgment
- 31.5 Documents supplementary
- 31.6 Directions

- 31.7 Recognition and enforcement under the Council Regulation of a judgment given in another Member State relating to rights of access or under Article 11(8) for the return of the child to that State
- 31.8 Registration for enforcement or order for non-recognition of a judgment
- 31.9 Stay of recognition proceedings by reason of an appeal
- 31.10 Effect of refusal of application for a decision that a judgment should not be recognised
- 31.11 Notification of the court's decision on an application for registration or non-recognition
- 31.12 Effect of registration under rule 31.11
- 31.13 The central index of judgments registered under rule 31.11
- 31.14 Decision on recognition of a judgment only
- 31.15 Appeal against the court's decision under rules 31.10, 31.11 or 31.14
- 31.16 Stay of enforcement where appeal pending in state of origin
- 31.17 Enforcement of judgments registered under rule 31.11
- 31.18 Request for a certificate or a certified copy of a judgment
- 31.19 Certificates issued in England and Wales under Articles 41 and 42 of the Council Regulation
- 31.20 Rectification of certificate issued under Article 41 or 42 of the Council Regulation
- 31.21 Authentic instruments and agreements under Article 46 of the Council Regulation
- 31.22 Application for provisional, including protective measures.

REGISTRATION AND ENFORCEMENT OF ORDERS

CHAPTER 1

SCOPE AND INTERPRETATION OF THIS PART

32.1 Scope and interpretation

CHAPTER 2

REGISTRATION ETC. OF ORDERS UNDER THE 1950 ACT

SECTION 1

Interpretation of this Chapter

32.2 Interpretation

SECTION 2

Registration etc of High Court and county court orders

- 32.3 Registration of a High Court order
- 32.4 Notice of Variation etc. of a High Court order
- 32.5 Cancellation of registration of a High Court order
- 32.6 Application of this Chapter to a county court order

SECTION 3

Registration etc. of Scottish and Northern Irish orders

- 32.7 Registration of Scottish and Northern Irish orders
- 32.8 Application to adduce evidence before High Court
- 32.9 Notice of variation etc. of Scottish and Northern Irish orders
- 32.10 Cancellation of registration of Scottish and Northern Irish orders
- 32.11 Enforcement
- 32.12 Inspection of register and copies of order

CHAPTER 3

REGISTRATION OF MAINTENANCE ORDERS UNDER THE 1958 ACT

- 32.13 Interpretation
- 32.14 Registration of orders prescribed period
- 32.15 Application for registration of a maintenance order in a magistrates' court
- 32.16 Registration in a magistrates' court of an order registered in the High Court
- 32.17 Registration in the High Court of a magistrates' court order
- 32.18 Registration in the High Court of an order registered in a magistrates' court
- 32.19 Variation or discharge of an order registered in a magistrates' court
- 32.20 Variation or discharge of an order registered in the High Court
- 32.21 Cancellation of registration orders registered in the High Court
- 32.22 Cancellation of registration orders registered in a magistrates' court

CHAPTER 4

REGISTRATION AND ENFORCEMENT OF CUSTODY ORDERS UNDER THE 1986 ACT

- 32.23 Interpretation
- 32.24 Prescribed officer and functions of the court
- 32.25 Application for the registration of an order made by the High Court or a county court
- 32.26 Registration of orders made in Scotland, Northern Ireland or a specified dependent territory
- 32.27 Revocation and variation of an order made in the High Court or a county court
- 32.28 Registration of varied, revoked or recalled orders made in Scotland, Northern Ireland or a specified dependent territory
- 32.29 Interim directions
- 32.30 Staying and dismissal of enforcement proceedings
- 32.31 Particulars of other proceedings
- 32.32 Inspection of register

PART 33

ENFORCEMENT

CHAPTER 1

GENERAL RULES

33.1 Application

SECTION 1

Enforcement of orders for the payment of money

- 33.2 Application of the Civil Procedure Rules
- 33.3 How to apply
- 33.4 Transfer of orders

SECTION 2

Committal and injunction

- 33.5 General rule committal hearings to be in public
- 33.6 Proceedings in the principal registry treated as pending in a designated county court
- 33.7 Specific modifications of the CCR
- 33.8 Section 118 County Courts Act 1984 and the tipstaff

CHAPTER 2

COMMITTAL BY WAY OF JUDGMENT SUMMONS

- 33.9 Interpretation
- 33.10 Application
- 33.11 Judgment summons
- 33.12 Successive judgment summonses
- 33.13 Requirement for personal service
- 33.14 Committal on application for judgment summons
- 33.15 Orders for the benefit of different persons
- 33.16 Hearing of judgment summons
- 33.17 Special provisions as to judgment summonses in the High Court
- 33.18 Special provisions as to judgment summonses in designated county courts

CHAPTER 3

ATTACHMENT OF EARNINGS

33.19 Proceedings in the Principal Registry

CHAPTER 4

WARRANT OF EXECUTION

- 33.20 Applications to vary existing orders
- 33.21 Section 103 County Courts Act 1984

CHAPTER 5

COURT'S POWER TO APPOINT A RECEIVER

33.22 Application of the CPR

ORDERS TO OBTAIN INFORMATION FROM JUDGMENT DEBTORS

33.23 Application of the CPR

CHAPTER 7

THIRD PARTY DEBT ORDERS

33.24 Application of the CPR

CHAPTER 8

CHARGING ORDER, STOP ORDER, STOP NOTICE

33.25 Application of the CPR

PART 34

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS

- 34.1 Scope and interpretation of this Part
- 34.2 Meaning of prescribed officer in a magistrates' court
- 34.3 Registration of maintenance orders in magistrates' courts in England and Wales

CHAPTER 1

ENFORCEMENT OF MAINTENANCE ORDERS UNDER THE MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT 1920

- 34.4 Interpretation
- 34.5 Confirmation of provisional orders made in a reciprocating country
- 34.6 Payment of sums due under registered orders
- 34.7 Enforcement of sums due under registered orders
- 34.8 Prescribed notice for the taking of further evidence
- 34.9 Transmission of maintenance orders made in a reciprocating country to the High Court
- 34.10 Transmission of maintenance orders made in the High Court to a reciprocating country
- 34.11 Inspection of the register in the High Court

CHAPTER 2

ENFORCEMENT OF MAINTENANCE ORDERS UNDER PART 1 OF THE 1972 ACT

- 34.12 Interpretation
- 34.13 Scope

SECTION 1

Reciprocal enforcement of maintenance orders under Part 1 of the 1972 Act

- 34.14 Application for transmission of maintenance order to reciprocating country
- 34.15 Certification of evidence given on provisional orders
- 34.16 Confirmation of a provisional order made in a reciprocating country
- 34.17 Consideration of revocation of a provisional order made by a magistrates' court
- 34.18 Notification of variation or revocation of a maintenance order by the High Court or a county court
- 34.19 Notification of confirmation or revocation of a maintenance order by a magistrates' court
- 34.20 Taking of evidence for court in reciprocating country
- 34.21 Request for the taking of evidence by a court in a reciprocating country
- 34.22 Transmission of documents
- 34.23 Method of payment under registered orders
- 34.24 Enforcement of payments under registered orders
- 34.25 Notification of registration and cancellation

SECTION 2

Modification of rules in Section 1 of this Chapter

SUB-SECTION 1

Republic of Ireland

34.26 Application of Section 1 of this Chapter to the Republic of Ireland

SUB-SECTION 2

Hague Convention Countries

34.27 Application of Section 1 of this Chapter to the Hague Convention Countries

SUB-SECTION 3

United States of America

34.28 Application of Section 1 of this Chapter to the United States of America

CHAPTER 3

ENFORCEMENT OF MAINTENANCE ORDERS UNDER THE CIVIL JURISDICTION AND JUDGMENTS ACT 1982,THE JUDGMENTS REGULATION AND THE LUGANO CONVENTION

SECTION 1

Registration and Enforcement in a Magistrates' Court of Maintenance Orders made in a Contracting State to the 1968 Convention, a Contracting State to the 1988 Convention, a Regulation State or a State bound by the Lugano Convention

34.29 Interpretation

- 34.30 Registration of maintenance orders
- 34.31 Appeal from a decision relating to registration
- 34.32 Payment of sums due under a registered order
- 34.33 Enforcement of payments under registered orders
- 34.34 Variation and revocation of registered orders
- 34.35 Transfer of registered order
- 34.36 Cancellation of registered orders

SECTION 2

Reciprocal enforcement in a Contracting State or Regulation State of Orders of a court in England and Wales

- 34.37 Application in a magistrates' court for a maintenance order, or revocation of a maintenance order, to which the 1982 Act, the Judgments Regulations or the Lugano Convention applies
- 34.38 Admissibility of Documents
- 34.39 Enforcement of orders of a magistrates' court

PART 35

MEDIATION DIRECTIVE

- 35.1 Scope and Interpretation
- 35.2 Relevant disputes: applications for consent orders in respect of financial remedies
- 35.3 Mediation evidence: disclosure and inspection
- 35.4 Mediation evidence: witnesses and depositions

PART 36

TRANSITIONAL ARRANGEMENTS AND PILOT SCHEMES

- 36.1 Transitional provisions
- 36.2 Pilot schemes

GLOSSARY

Scope

Signature Explanatory Note