
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 8

PROCEDURE FOR MISCELLANEOUS APPLICATIONS

CHAPTER 6

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

Scope of this Chapter

8.23. Subject to rule 9.26(6), the rules in this Chapter apply to an application for permission to apply for a financial remedy under section 13 of the 1984 Act and paragraph 4 of Schedule 7 to the 2004 Act.

(Rule 9.26(6) enables the application for permission to apply for a financial remedy under section 13 of the 1984 Act or paragraph 4 of Schedule 7 to the 2004 Act to be heard at the same time as the application for a financial remedy under Part 3 of the 1984 Act or Schedule 7 to the 2004 Act where that application is an application for a consent order.)

Where and how to start proceedings

8.24.—(1) Subject to paragraph (2), the application must be made in the principal registry.

(2) Where rule 9.26(6) applies, the application must be made in the court hearing the application for a financial remedy.

(Rule 9.5(2) specifies the court where the application for the consent order should be filed.)

(3) The application must be made in accordance with the Part 18 procedure.

Application to be made without notice

8.25.—(1) The court may grant an application made without notice if it appears to the court that there are good reasons for not giving notice.

(2) If the applicant makes an application without giving notice, the applicant must state the reasons why notice has not been given.

Notification of hearing date

8.26. The court officer must—

- (a) fix a date, time and place for the hearing of the application by a judge, but not a district judge; and
- (b) give notice of the date of the hearing to the applicant.

Hearings to be in private unless the court directs otherwise

8.27. An application under this Chapter must be heard in private unless the court directs otherwise.

Direction that application be dealt with by a district judge of the principal registry

8.28. If the application is granted, the judge may direct that the application for a financial remedy under Part 3 of the 1984 Act or Schedule 7 to the 2004 Act may be heard by a district judge of the principal registry.