
STATUTORY INSTRUMENTS

2011 No. 1329

**The Magistrates' Courts (Enforcement or
Variation of Orders Made in Family Proceedings
and Miscellaneous Provisions) Rules 2011**

PART 1

INTRODUCTORY

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Enforcement or Variation of Orders Made in Family Proceedings and Miscellaneous Provisions) Rules 2011 and shall come into force on 18th June 2011.

Interpretation

2. In these Rules—

- “the 1950 Act” means the Maintenance Orders Act 1950(1);
- “the 1958 Act” means the Maintenance Orders Act 1958(2);
- “the 1972 Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972(3);
- “the 1980 Act” means the Magistrates' Courts Act 1980;
- “the 1986 Act” means the Family Law Act 1986(4);
- “the 1989 Act” means the Children Act 1989(5);
- “the 1996 Act” means the Family Law Act 1996(6);
- “the FPR” means the Family Procedure Rules 2010(7);
- “designated officer” has the meaning given in section 37(1) of the Courts Act 2003(8);
- “justices' clerk” has the meaning given in section 27(1) of the Courts Act 2003(9);
- “legal representative” means a—
 - (a) barrister;
 - (b) solicitor;

(1) 1950 c.37.

(2) 1958 c.39.

(3) 1972 c.18.

(4) 1986 c.55.

(5) 1989 c.41.

(6) 1996 c.27.

(7) S.I. 2010/2955.

(8) 2003 c.39.

(9) Section 27(1)(b) was amended by section 15(1) of and paragraphs 308 and 326(1) and (2) of Schedule 4 to the Constitutional Reform Act 2005.

- (c) solicitor's employee;
- (d) manager of a body recognised under section 9 of the Administration of Justice Act 1985⁽¹⁰⁾; or
- (e) a person who, for the purposes of the Legal Services Act 2007⁽¹¹⁾ is an authorised person in relation to an activity which constitutes the conduct of litigation (within the meaning of that Act),

who has been instructed to act for a party in relation to proceedings;

“the Forms Practice Direction” means the practice direction issued by the Lord Chief Justice listing the forms to be used in relation to the matters to which provisions in these Rules relate;

“the register” means the register kept in accordance with rule 66 of the Magistrates' Courts Rules 1981⁽¹²⁾; and

“statement of truth” means a statement as follows “[I believe] [the applicant believes] that the facts stated in this document are true.”.

Application of these Rules

- 3.**—(1) These Rules apply to the proceedings referred to in rules 4 to 81 in a magistrates' court.
- (2) Nothing in these Rules is to be construed as conferring upon a magistrate a function which a magistrate is not permitted by statute to perform.

⁽¹⁰⁾ 1985 c.61.

⁽¹¹⁾ 2007 c. 29.

⁽¹²⁾ S.I. 1981/552. Rule 66 was amended by S.I. 1983/523, 1988/2132, 1992/709 and 2072, 1993/1183, 2001/610, 2003/1236 and 2005/617.