STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 33

ENFORCEMENT

CHAPTER 1

GENERAL RULES

SECTION 1

Enforcement of orders for the payment of money

Application of the Civil Procedure Rules

33.2. Part 70 of the CPR applies to proceedings under this Section as if—

    (a) in rule 70.1, in paragraph (2)(d), "but does not include a judgment or order for the payment of money into court" is omitted; and

    (b) rule 70.5 is omitted.

How to apply

33.3.—(1) Except where a rule or practice direction otherwise requires, an application for an order to enforce an order for the payment of money must be made in a notice of application accompanied by a statement which must—

    (a) state the amount due under the order, showing how that amount is arrived at; and

    (b) be verified by a statement of truth.

  (2) The notice of application may either—

    (a) apply for an order specifying the method of enforcement; or

    (b) apply for an order for such method of enforcement as the court may consider appropriate.

  (3) If an application is made under paragraph (2)(b), an order to attend court will be issued and rule 71.2 (6) and (7) of the CPR will apply as if the application had been made under that rule.

Transfer of orders

33.4.—(1) This rule applies to an application for the transfer—

    (a) to the High Court of an order made in a designated county court; and

    (b) to a designated county court of an order made in the High Court.

  (2) The application must be—

    (a) made without notice; and

    (b) accompanied by a statement which complies with rule 33.3(1).

(3) The transfer will have effect upon the filing of the application.

(4) Where an order is transferred from a designated county court to the High Court—

    (a) it will have the same force and effect; and

    (b) the same proceedings may be taken on it,

as if it were an order of the High Court.

(5) This rule does not apply to the transfer of orders for periodical payments or for the recovery of arrears of periodical payments.