
STATUTORY INSTRUMENTS

2008 No. 2859 (L. 24)

**MAGISTRATES' COURTS,
ENGLAND AND WALES**

**The Magistrates' Courts (Enforcement of
Children Act 1989 Contact Orders) Rules 2008**

<i>Made</i>	- - - -	<i>3rd November 2008</i>
<i>Laid before Parliament</i>		<i>6th November 2008</i>
<i>Coming into force</i>	- -	<i>8th December 2008</i>

The Lord Chief Justice with the concurrence of the Lord Chancellor, after having consulted the rule committee appointed under section 144(A1) of the Magistrates' Courts Act 1980(1), makes the following Rules in exercise of the powers conferred by section 144 of the Magistrates' Courts Act 1980:

Citation, commencement and interpretation

1. These Rules may be cited as the Magistrates' Courts (Enforcement of Children Act 1989 Contact Orders) Rules 2008 and shall come into force on 8th December 2008.

2. In these Rules—

“the 1989 Act” means the Children Act 1989(2);

“the 1991 Rules” means the Family Proceedings Courts (Children Act 1989) Rules 1991(3);
and

“magistrates' court” has the meaning given in section 148 of the Magistrates' Courts Act 1980(4).

(1) 1980 c.43. Section 144 was amended by section 125(3) of and paragraph 25 of Schedule 18 to the [Courts and Legal Services Act 1990 \(c.41\)](#), section 78(2) of and paragraphs 26 and 29 of Schedule 11 to the [Access to Justice Act 1999 \(c.22\)](#), section 109(1) and (3) of and paragraph 245 of Schedule 8 and Schedule 10 to the [Courts Act 2003 \(c.39\)](#), section 15(1) of and paragraphs 99 and 102 of Schedule 4 to, and section 59(5) of and paragraph 4 of Schedule 11 to, the [Constitutional Reform Act 2005 \(c.4\)](#), and by section 208(1) and paragraphs 42 and 43 of Schedule 21 to the [Legal Services Act 2007 \(c.29\)](#).

(2) 1989 c.41.

(3) S.I. 1991/1395. Relevant amending instruments are S.I. 1991/1991, 1992/2068, 1994/2166 and 3156, 1997/1895, 2001/615 and 818, 2003/2840, 2004/3376, 2005/229, 413, 585, 617 and 2930 and 2007/2188.

(4) Section 148 was amended by section 109(1) of and paragraph 248 of Schedule 8 to the Courts Act 2003.

Application of the 1991 Rules

3. The 1991 Rules as modified by these Rules shall have effect in relation to—
- (a) an application in the magistrates' court under any of the following provisions of the 1989 Act—
 - (i) section 11J (enforcement orders);
 - (ii) section 11O (compensation for financial loss);
 - (iii) paragraph 4 of Schedule A1 (enforcement orders: power to revoke);
 - (iv) paragraph 5, 6 or 7 of Schedule A1 (enforcement orders: amendment);
 - (v) paragraph 9 of Schedule A1 (breach of an enforcement order);
 - (b) an application in the magistrates' court under section 8(2)(a) of the Children and Adoption Act 2006⁽⁵⁾; or
 - (c) a case where a magistrates' court is considering exercising, or has exercised, a power under either of the following provisions of the 1989 Act—
 - (i) section 11L(5) (enforcement orders: provision of information); or
 - (ii) section 11M(1) (enforcement orders: monitoring).

Modification of the 1991 Rules

4. The 1991 Rules as they apply in relation to the matters in rule 3 are modified as provided in rules 5 to 23.
5. In the Arrangement of Rules—
- (a) after the entry for rule 4 insert—

“4A Application for a warning notice
4B Application to amend enforcement order by reason of change of residence”;
 - (b) after the entry for rule 13A insert—

“13B Section 11J or 11O: duties of person notified”; and
 - (c) after the entry for rule 21 insert—

“21AA Service of enforcement order or order revoking or amending enforcement order”.
6. In rule 1(2)—
- (a) after the definition of “emergency protection order” insert—

““enforcement order” has the meaning assigned to it by section 11J(2);”;
 - (b) after the definition of “file” insert—

““financial compensation order” means an order made under section 11O(2);”
 - (c) after the definition of “form” insert—

““guardian ad litem” in rule 4(3A) and Schedule 2 means the person by whom the child took part in family proceedings in the High Court or the county court, as referred to in rules 9.2 and 9.5 of the Family Proceedings Rules 1991⁽⁶⁾;”;
 - (d) after the definition of “leave” insert—

(5) 2006 c.20.

(6) S.I. 1991/1247. Relevant amending instruments are S.I. 1991/2113, 1992/456, 2001/821, 2005/559 and 2922 and 2007/2187.

““legal representative” in rule 4(3A) and Schedule 2 has the meaning given in rule 23A(4);”;

(e) after the definition of “Member State” insert—

““next friend” means the person by whom the child began or prosecuted family proceedings in the High Court or the county court, as referred to in rule 9.2 of the Family Proceedings Rules 1991;” and

(f) after the definition for “the Act of 1989” insert—

““the Act of 2006” means the Children and Adoption Act 2006;

“warning notice” means a notice attached to a contact order pursuant to section 8(2) of the Act of 2006;”.

7. In rule 2—

(a) in paragraph (5)—

(i) in sub-paragraph (d), delete “and”;

(ii) in sub-paragraph (e), for “.” substitute “, and”; and

(iii) after sub-paragraph (e), insert—

“(f) under paragraph 5 of Schedule A1.”; and

(b) after paragraph (5), insert—

“(6) Proceedings under section 8(2)(a) of the Act of 2006 are prescribed as proceedings with respect to which a single justice may discharge the functions of a magistrates’ court.

(7) In paragraph (6), “magistrates’ court” has the meaning given in section 148 of the Magistrates’ Courts Act 1980.”.

8. In rule 4—

(a) in paragraph (1) after “paragraph (4)” insert “and rules 4A and 4B”;

(b) in paragraph (1A)(a)(i)—

(i) for “or” substitute “,”; and

(ii) after “C51” insert “or C79” ; and

(c) after paragraph (3) insert—

“(3A) In relation to an application under section 11J or section 11O, in addition to complying with paragraph (3), the applicant shall serve a copy of the application on the person who was the children’s guardian, guardian ad litem, next friend or legal representative as referred to in the relevant entry in column (iv) of Schedule 2 to these Rules.”.

9. After rule 4 insert—

“Application for a warning notice

4A.—(1) This rule applies in relation to an application for a warning notice.

(2) The application shall be made ex parte on Form C78.

(3) The court may deal with the application without a hearing.

(4) Where the court determines that the application shall be dealt with at a hearing—

(a) rule 4(1)(b) and (3) shall apply;

- (b) rule 4(2) shall apply as if for the words “On receipt by the designated officer of the documents filed under paragraph (1)(a)” there were substituted “On the court determining that the application shall be dealt with at a hearing”; and
 - (c) rules 16(7) and 22 shall apply as if the proceedings on the application for a warning notice were relevant proceedings.
- (5) Rules 23, 23A and 33 shall apply as if the proceedings on the application for a warning notice were relevant proceedings.

Application to amend enforcement order by reason of change of residence

- 4B.**—(1) This rule applies in relation to an application under paragraph 5 of Schedule A1 (application to amend an enforcement order by reason of change of residence).
- (2) The application shall be made ex parte on Form C79.
 - (3) The court may deal with the application without a hearing.
 - (4) Where the court determines that the application shall be dealt with at a hearing—
 - (a) rule 4(1)(b) and (3) shall apply; and
 - (b) rule 4(2) shall apply as if for the words “On receipt by the designated officer of the documents filed under paragraph (1)(a)” there were substituted “On the court determining that the application shall be dealt with at a hearing”.

10. In rule 5—

- (a) in paragraph (3) for “rule 11AA(1)(a) to (e)” substitute “rule 11AA(1)(a) to (g)”; and
- (b) in paragraph (4)(a) and (b) for “rule 11AA(1)(a) to (e)” substitute “rule 11A(1)(a) to (g)”.

11. In rule 8(7)—

- (a) in sub-paragraph (a), after “respondent,” delete “and”; and
- (b) after sub-paragraph (b), insert—

“and

- (c) a copy of the application has been effected under rule 4(3A);”.

12. For rule 9, including the heading, substitute—

“Acknowledgement of application

9. Within 14 days of service of an application for—

- (a) an order under section 4(1)(c);
- (b) a section 8 order;
- (c) an enforcement order;
- (d) a financial compensation order;
- (e) a special guardianship order;
- (f) an order under Schedule 1;
- (g) an order under Part 2 of Schedule A1; or
- (h) an order for a warning notice to which rule 4A(4) applies,

each respondent shall file, and serve on the parties, an acknowledgement of the application in Form C7 and, if both parts of question 6 or question 7 (or both) on Form C7 are answered in the affirmative, Form C1A.”.

13. In rule 11AA—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (e), for “.” substitute “;” and
 - (ii) after sub-paragraph (e) insert—
 - “(f) section 11L(5) (providing the court with information as to the making of an enforcement order);
 - (g) section 11M(1) (monitoring compliance with an enforcement order).”;
 - (b) in paragraph (2) for “paragraph (1)(a) to (e)” substitute “paragraph (1)(a) to (g)”;
 - (c) in paragraph (8) for “paragraph (1)(a) to (d)” substitute “paragraph (1)(a), (b), (c), (d), (f) or (g)”;
 - (d) in paragraph (9) for “paragraph (1)(a) to (e)” substitute “paragraph (1)(a) to (g)”.
14. After rule 13A insert—
- “Section 11J or 11O: duties of person notified**
- 13B. Where there has been a notification of an application in accordance with rule 4(3A), the person notified shall—
- (a) consider whether it is in the best interests of the child for the child to be a party to the proceedings to which that application relates and, therefore, whether the court should consider transferring the proceedings; and
 - (b) before the date fixed for the first hearing or directions appointment, notify the court, orally or in writing, of his opinion on these questions, together for the reason for this opinion.”.
15. In rule 14—
- (a) in paragraph (1)(b) for “rule 11AA(1)(a) to (d)” substitute “rule 11AA(1)(a), (b), (c), (d), (f) or (g)”;
 - (b) in paragraph (2)(n) for “rule 11AA(1)(a) to (c)” substitute “rule 11A(1)(a), (b), (c), (f) or (g)”;
 - (c) in paragraph (11A) for “rule 11AA(1)(a) to (e)” substitute “rule 11AA(1)(a) to (g)”.
16. In rule 15(5)(c)(ii) for “rule 11AA(1)(a) to (e)”, substitute “rule 11AA(1)(a) to (g)”.
17. In rule 16(1A)—
- (a) in sub-paragraph (a) after “a contact order” insert “or relates to an application for a financial compensation order, an enforcement order or an order under paragraph 9(2) of Schedule A1”; and
 - (b) in paragraph (b), for “direction or condition” substitute “direction, condition or order”.
18. In rule 17(1), for “rule 11AA(1)(a) to (e)” substitute “rule 11AA(1)(a) to (g)”.
19. In rule 21(7)(b), after “paragraph (8)” insert “and rule 21AA”.
20. After rule 21, insert—

“Service of enforcement order or order amending or revoking enforcement order

21AA.—(1) Paragraphs (2) and (3) apply where an enforcement order or an order under paragraph 9(2) of Schedule A1 is made by the court.

(2) As soon as practicable after an order has been made, a copy of it shall be served by the designated officer on—

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- (a) the parties, except the person against whom the order is made;
 - (b) the officer of the service or the Welsh family proceedings officer who is obliged to comply with a request under section 11M;
 - (c) the responsible officer.
- (3) Unless the court directs otherwise, the applicant shall serve a copy of the order personally on the person against whom the order is made.
- (4) As soon as practicable after an order had been made under paragraph 4, 5, 6 or 7 of Schedule A1, a copy of the order shall be served by the designated officer on—
- (a) the parties;
 - (b) the officer of the service or the Welsh family proceedings officer who is obliged to comply with a request under section 11M;
 - (c) the responsible officer; and
 - (d) in the case of an order made under paragraph 5 of Schedule A1, the responsible officer in the former local justice area.
- (5) In this rule, “responsible officer” has the meaning given in paragraph 8(8) of Schedule A1.”.

21. In rule 33 delete “in a family proceedings court”.

22. In Schedule 1—

- (a) in the list of forms, after the entry for Form C54, insert—

“C78	Application	for attachment of a warning notice to a contact order
C79	Application	related to enforcement of a contact order
C80	Order	Enforcement order
C81	Order	Revocation of enforcement order
C82	Order	Order for financial compensation”.

; and

- (b) after Form C54 insert the forms in the Schedule to these Rules.

23. In Schedule 2—

- (a) in the row beginning “Section 4(1)(c)”, in column (i), after “Schedule 14” insert “or, where rule 4A(4) applies, section 8(2)(a) of the Act of 2006”;
- (b) after the row beginning “Section 4(1)(c)”, insert—

“Section 11J or 11O	14 days	Only the person whom the applicant alleges has failed to comply with the contact order	Any officer of the service or Welsh family proceedings officer exercising a duty conferred on him by section 11H(2) (monitoring compliance with a contact order)
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			<p>Where the child was a party to the proceedings in which the contact order was made—</p> <p>(a) the person who was the children’s guardian, guardian ad litem or next friend of the child in those proceedings;</p> <p>or</p> <p>(b) where there was no children’s guardian, guardian ad litem or next friend, the person who was the legal representative of the child in those proceedings”</p>
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(c) after the row beginning “Section 25”, insert—

<p>“Paragraph 4 of Schedule A1</p>	<p>14 days</p>	<p>Only—</p> <p>(a) the person who was the applicant for the enforcement order, and</p> <p>(b) where the child was a party to the proceedings in which the enforcement order was made, the child</p>	<p>Any officer of the service or Welsh family proceedings officer exercising a duty conferred on him by section 11M(1) (monitoring compliance with an enforcement order) and the responsible officer (as defined in section 197 of the Criminal Justice Act 2003(7) as modified by Schedule A1)</p>
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(7) 2003 c.44. Section 197 is amended by S.I. 2005/886 and 2008/912 and by sections 6(2) and 149 of and paragraphs 71 and 83 of Schedule 4, and Schedule 28, to the Criminal Justice and Immigration Act 2008 (c.4). Section 197 is modified by paragraphs 1, 2 and 3(1) of Schedule A1 to the Children Act 1989.

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<p>Where rule 4B applies, paragraph 5 of Schedule A1.</p> <p>Paragraphs 6 and 7 of Schedule A1</p>	<p>14 days</p>	<p>Only the person who was the applicant for the enforcement order</p>	<p>Any officer of the service or Welsh family proceedings officer exercising a duty conferred on him by section 11M(1) (monitoring compliance with an enforcement order)</p> <p>and the responsible officer (as defined in section 197 of the Criminal Justice Act 2003 as modified by Schedule A1)</p>
<p>Paragraph 9 of Schedule A1</p>	<p>14 days</p>	<p>Only the person whom the applicant alleges has failed to comply with the unpaid work requirement imposed by an enforcement order,</p> <p>and</p> <p>where the child was a party to the proceedings in which the enforcement order was made, the child</p>	<p>Any officer of the service or Welsh family proceedings officer exercising a duty conferred on him by section 11M(1) (monitoring compliance with an enforcement order)</p> <p>and the responsible officer (as defined in section 197 of the Criminal Justice Act 2003 as modified by Schedule A1)”</p>

Lord Judge, C.J.

I concur

3rd November 2008

Bridget Prentice
 Parliamentary Under Secretary of State
 Ministry of Justice

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SCHEDULE

Rule 22(b)



C78

Application for attachment of a warning notice to a contact order

To be completed by the court	
Name of court	
Date issued	
Case number	
Child(ren)'s name(s)	Child(ren)'s number(s)

If you have a contact order that was made before 8 December 2008 you may apply for a warning notice to be attached to the contact order.

A warning notice explains that if a person does not comply with the contact order the court may fine or imprison them for contempt of court, or may make an enforcement order or an order for financial compensation. **You cannot apply for an enforcement order or for financial compensation regarding any person's failure to comply with the contact order if this failure took place before that person had been given a copy of the order with the warning notice attached or informed of the terms of the warning notice.**

1. About the current contact order

Name of court

Court case number if known

Full name of the person who made the application

Name of child(ren)

Date of contact order

Please attach a copy of the order where available.



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2. About you (the applicant)

Your first name

Middle name(s)

Surname

Date of birth / / Sex Male Female

If you do not wish your address to be made known to the respondent, leave the address details blank and complete Confidential Address Form C8, you can get a copy from your local court.

Address

Postcode

Home telephone number

Mobile telephone number

Do you have a solicitor acting for you? Yes No

If Yes, please give the following details

Your solicitor's name

Name of firm

Address

Postcode

Telephone number

Fax number

DX number

Solicitor's Reference

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Applicant 2 (if applicable) _____

Your first name

Middle name(s)

Surname

Date of birth Sex Male Female

If your address details and those of your solicitor are different from the first applicant please provide details of these on a separate sheet.

What is your relationship to the applicant listed above?

3. The child(ren) in respect of whom the contact order was made

Please give details of the child(ren), starting with the oldest.
If there are more than 4 children please continue on a separate sheet.

Child 1 _____

First name

Middle name(s)

Surname

Date of birth Sex Male Female

What is your relationship to the child?

Applicant 1	Applicant 2
<input type="text"/>	<input type="text"/>

Child 2 _____

First name

Middle name(s)

Surname

Date of birth Sex Male Female

What is your relationship to the child?

Applicant 1	Applicant 2
<input type="text"/>	<input type="text"/>



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Child 3 _____

First name	<input type="text"/>	
Middle name(s)	<input type="text"/>	
Surname	<input type="text"/>	
Date of birth	<input type="text" value="DD/MM/YYYY"/>	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
What is your relationship to the child?	Applicant 1	Applicant 2
	<input type="text"/>	<input type="text"/>

Child 4 _____

First name	<input type="text"/>	
Middle name(s)	<input type="text"/>	
Surname	<input type="text"/>	
Date of birth	<input type="text" value="DD/MM/YYYY"/>	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
What is your relationship to the child?	Applicant 1	Applicant 2
	<input type="text"/>	<input type="text"/>

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4. The respondents' details as stated on the contact order

If there are more than 2 respondents please continue on a separate sheet.

Respondent 1 _____

Respondent's first name

Middle name(s)

Surname

Date of birth / / Sex Male Female

Address
Postcode

Relationship to the child(ren)

Name of child	Relationship

Does the respondent have a solicitor acting for them? Yes No Don't know

If Yes, please provide the details below.

Respondent's solicitor _____

Name of respondent's solicitor

Name of firm

Address
Postcode

Telephone number

Fax number

DX number

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Respondent 2 _____

Respondent's first name

Middle name(s)

Surname

Date of birth / /

Sex Male Female

Address

Postcode

Relationship to the child(ren)

Name of child	Relationship

Does the respondent have a solicitor acting for them? Yes No Don't know

If Yes, please provide the details below.

Respondent's solicitor _____

Name of respondent's solicitor

Name of firm

Address

Postcode

Telephone number

Fax number

DX number



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7. Attending the court

If you require an interpreter, you must tell the court now so that one can be arranged.

Do you or any of the parties need an interpreter at court? Yes No

If Yes, please specify the language and dialect:

If attending the court, do you or any of the parties involved have a disability for which you require special assistance or special facilities? Yes No

If Yes, please say what the needs are

Please say whether the court needs to make any special arrangements for you to attend court (e.g. providing you with a separate waiting room from the respondent or other security provisions).

Court staff may get in touch with you about the requirements

Checklist

Please check that you have completed all parts of the form and attached all the relevant documents:

- a copy of the contact order, if available
- appropriate fee enclosed (leaflet EX50 provides information about court fees)
- details of additional children, if there are more than four children in Section 3
- details of additional respondents, if there are more than two respondents in Section 4
- details of additional ongoing cases if more than one in Section 5

Court fees
 You may be exempt from paying all or part of the fee. The combined booklet and application form 'EX160A Court Fees - Do you have to pay them' gives more information. You can get a copy from the court or download a copy from our website at www.hmcourts-service.gov.uk

Now take or send your application with the correct fee to the court.

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C79

Application related to enforcement of a contact order

The booklet 'CB5 - Applications related to enforcement of a contact order' will help you complete this form. You can get a copy of all forms and leaflets from your local court or you can download copies from our website www.hmcourts-service.gov.uk

To be completed by the court	
Name of court	
Date issued	
Case number	
Child(ren)'s name(s)	Child(ren)'s number(s)

Cafcass/CAFCASS CYMRU will carry out checks as it considers necessary.

Cafcass - Children and Family Court Advisory and Support Service (in England);
CAFCASS CYMRU - Children and Family Court Advisory and Support Service Wales.

1. About the current contact order See CB5 Note B

Name of court

Court case number if known Date of order / /

Full name of the person who made the application

Name of child(ren)

Please attach a copy of the order where available.

2. What order(s) are you applying for? See CB5 Note C

an enforcement order
If the contact order is not being complied with

for the court to take action following breach of an existing enforcement order
If the unpaid work requirement in the enforcement order has not been complied with

an order for compensation for financial loss
If you have lost money because the contact order is not being complied with

to revoke an existing enforcement order
To cancel the enforcement order

to amend an existing enforcement order by reason of a change of residence
To change the local justice area where you wish to complete the unpaid work

for amendment of the hours of unpaid work specified in an existing enforcement order
To reduce the hours in the order

to extend the period of 12 months set for completion of the unpaid work
To allow you to do the work over a longer period

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3. About you (the applicant)

Your first name

Middle name(s)

Surname

Date of birth / / Sex Male Female

If you do not wish your address to be made known to the respondent, leave the address details blank and complete Confidential Address Form C8.

Address

Postcode

Home telephone number

Mobile telephone number

Do you have a solicitor acting for you? Yes No [See CB5 Note L](#)

If Yes, please give the following details

Your solicitor's name

Name of firm

Address

Postcode

Telephone number

Fax number

DX number

Solicitor's Reference

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Applicant 2 (if applicable) _____

Your first name

Middle name(s)

Surname

Date of birth / / Sex Male Female

If your address details and those of your solicitor are different from the first applicant please provide details of these on a separate sheet.

What is your relationship to the applicant listed above?

4. The child(ren) in respect of whom this order is sought

Please give details of the child(ren), starting with the oldest.
If there are more than 4 children please continue on a separate sheet.

Child 1 _____

First name

Middle name(s)

Surname

Date of birth / / Sex Male Female

What is your relationship to the child?

Applicant 1	Applicant 2
<input type="text"/>	<input type="text"/>

Child 2 _____

First name

Middle name(s)

Surname

Date of birth / / Sex Male Female

What is your relationship to the child?

Applicant 1	Applicant 2
<input type="text"/>	<input type="text"/>

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Child 3 _____

First name

Middle name(s)

Surname

Date of birth Sex Male Female

What is your relationship to the child?

Applicant 1	Applicant 2
<input type="text"/>	<input type="text"/>

Child 4 _____

First name

Middle name(s)

Surname

Date of birth Sex Male Female

What is your relationship to the child?

Applicant 1	Applicant 2
<input type="text"/>	<input type="text"/>

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5. The respondents' details See CBS Note D

If there are more than 2 respondents please continue on a separate sheet.

Respondent 1 _____

Respondent's first name

Middle name(s)

Surname

Date of birth / / Sex Male Female

Address
Postcode

Relationship to the child(ren)

Name of child	Relationship

Does the respondent have a solicitor acting for them? Yes No Don't know

If Yes, please provide the details below.

Respondent's solicitor _____

Name of respondent's solicitor

Name of firm

Address
Postcode

Telephone number

Fax number

DX number

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Respondent 2 _____

Respondent's first name

Middle name(s)

Surname

Date of birth / /

Sex Male Female

Address
Postcode

Relationship to the child(ren)

Name of child	Relationship

Does the respondent have a solicitor acting for them? Yes No Don't know

If Yes, please provide the details below.

Respondent's solicitor _____

Name of respondent's solicitor

Name of firm

Address
Postcode

Telephone number

Fax number

DX number

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6. Other persons to be notified See CBS Note D

Person 1 _____

Full name

Address
Postcode

Person 2 _____

Full name

Address
Postcode

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7. Why are you making this application?

7a. If you are applying for:

- **An enforcement order**

See CB5 Note C

please tell us about why you are making this application, if not go to 7b.

This might include:

- How the contact arrangements have been broken
- When this happened
- How long since you had contact with the child(ren)

7b. If you are applying for:

- **An order for compensation for financial loss**

See CB5 Note C

please tell us about why you are making this application, if not go to 7c.

Amount claimed (total figure) £

Please explain why you are making this claim and attach any receipts or other evidence of financial loss.

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7c. If you are applying for:

- **Action as a result of breach of an enforcement order**

See CB5 Note C

please tell us about why you are making this application, if not go to 7d.

Please tell us how the enforcement order has been breached.

Please attach a copy of the enforcement order if available.

Name of court where the enforcement order was made

See CB5 Note C

Name of local justice area responsible for the enforcement order

Date enforcement order was made

D	D	/	M	M	/	Y	Y	Y	Y
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7d. If you are applying to:

- Revoke an enforcement order
- Amend an enforcement order
- Amend the hours of unpaid work specified in an enforcement order
- Extend the period of 12 months for completion of unpaid work in an enforcement order

please tell us why you are making this application, if not go to section 8.

This might include:

- How your circumstances have changed since the enforcement order was made
- How often contact is now taking place
- Why you think the hours or time period should be amended.

Please attach a copy of the enforcement order, if available.

See CB5 Note C

Name of local justice area responsible for the enforcement order

Date enforcement order made

Number of hours of unpaid work required

Number of hours of unpaid work completed

Number of hours of unpaid work outstanding

What are the new proposed hours?

If requesting extension of the 12 month period for completion, what is the new proposed completion date?

See CB5 Note C

If you are applying to amend the order because you are moving house, what will be the name of the new local justice area?

If you are moving house what will your new address be?

When will you start living there?

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10. Attending the court

If you require an interpreter, you must tell the court now so that one can be arranged.

Do you or any of the parties need an interpreter at court? Yes No

If Yes, please specify the language and dialect:

If attending the court, do you or any of the parties involved have a disability for which you require special assistance or special facilities? Yes No

If Yes, please say what the needs are

Please say whether the court needs to make any special arrangements for you to attend court (e.g. providing you with a separate waiting room from the respondent or other security provisions).

Court staff may get in touch with you about the requirements

Checklist

Please check that you have completed all parts of the form and attached all the relevant documents:

- a copy of the contact order
- appropriate fee enclosed (leaflet EX50 provides information about court fees)
- copies of the application and documents attached for each respondent, and one for Cafcass/CAFCASS CYMRU
- a copy of the enforcement order (if any previously made)
- any receipts or other documentary evidence to support financial loss claim (if applicable)
- details of additional children, if there are more than four children in Section 4
- details of additional respondents, if there are more than two respondents in Section 5

Now take or send your application with the correct fee and correct number of copies to the court.

Court fees

You may be exempt from paying all or part of the fee. The combined booklet and application form 'EX160A Court Fees - Do you have to pay them' gives more information. You can get a copy from the court or download a copy from our website at www.hmcourts-service.gov.uk

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In the

Case number

Enforcement order

The Children Act 1989

Applicant
Ref.
Respondent
Ref.

The full name(s) of the child(ren) Date(s) of birth Child(ren)'s number(s)

To

Address

Warning

If you do not comply with this enforcement order you may be committed to prison or fined, and/or the court may amend this order to make the unpaid work requirement more onerous, or make a second enforcement order.

The application

An application has been made to the court by
for an enforcement order in respect of the contact order relating to
the child(ren) dated

[For enforcement
orders]

The court orders that

of

carry out

hours of unpaid work

in the Local Justice Area

by (the date for completion of the unpaid work under the
enforcement order)

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[For second enforcement orders]
The court orders that

of
carry out
hours of unpaid work
in the Local Justice Area
by (the date for completion of the unpaid work under the enforcement order)

And that
[this order takes effect in addition to the enforcement order made on]

[this order takes effect in place of the enforcement order made on
so that
the total number of hours of unpaid work required is ()
less the hours of unpaid work already completed, ()
making a total of hours unpaid work now required as above ()]

[For orders amending enforcement orders]
The court orders that

(a) the unpaid work under the enforcement order be carried out in the local justice area.

Or

(b) the total number of hours of unpaid work required under the enforcement order be reduced to hours, less the hours of unpaid work already completed.

So that

the total number of hours of unpaid work required is ()
less the hours of unpaid work already completed, ()
making a total of hours of unpaid work now required as above ()

Or

(c) the date for completion of the unpaid work under the enforcement order be extended to (date)

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The court also directs that

(a)

(officer of the service or Welsh family proceedings officer)

monitor performance of the unpaid work under the enforcement order [and report to the court as required.] [and report to the court on the following

]

(b) Where

- there are no proceedings pending under Part 2 of the Children Act 1989;
- an officer of the service/Welsh family proceedings officer who is monitoring compliance with this enforcement order is given cause to suspect, whilst this order is in force, that the child(ren) concerned [is][are] at risk of harm; and
- as a result that officer makes a risk assessment under section 16A of that Act, the officer may apply to the court for it to revive the previous proceedings and to consider that risk assessment and give such directions as the court thinks necessary.

Suspended orders [where applicable]

The court also orders that this order be suspended for a period of _____ from the date of the order shown below, subject to

[compliance with the contact order dated _____]

This order has been made on notice.

Ordered by [Mr] [Mrs] Justice
[His] [Her] Honour Judge
District Judge [of the Family Division]
Justice[s] of the Peace

on _____

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In the

Case number

Revocation of enforcement order

The Children Act 1989

Applicant
Ref.
Respondent
Ref.

The full name(s) of the child(ren) Date(s) of birth Child(ren)'s number(s)

To

Address

The application

[An application has been made to the court by

(the person required to carry out the unpaid work)

for the enforcement order made on

in respect of the contact order relating to the child(ren) dated

to be revoked.]

The court orders

that the enforcement order be revoked.

Ordered by [Mr] [Mrs] Justice
[His] [Her] Honour Judge
District Judge [of the Family Division]
Justice[s] of the Peace

on

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EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules apply, with modifications, the Family Proceedings Court (Children Act 1989) Rules 1991 (“the 1991 Rules”), to specified cases in relation to the coming into force of sections 4, 5 and 8 of the Children and Adoption Act 2006 (c.20) (“the 2006 Act”). Those sections of the 2006 Act make provision, primarily via amendments to the Children Act 1989 (“the 1989 Act”), for the court to make an enforcement order or order for financial compensation following a breach of a contact order made under section 8 of the 1989 Act.

Rule 3 specifies the cases to which the 1991 Rules, as modified by these Rules, apply.

Rule 6 modifies rule 1(2) of the 1991 Rules to insert various new defined terms.

Rule 7 modifies rule 2 of the 1991 Rules to allow a single justice to discharge the functions of the court in respect of specified cases.

Rule 8 modifies rule 4 of the 1991 Rules to include reference to new application forms for enforcement orders and related applications and to make provision for copy applications to be sent to the former representative of a child in specified cases. Duties on those so notified are imposed via the modifications to the 1991 Rules made by rule 14, which inserts a new rule 13B into the 1991 Rules. Rule 11 makes an associated consequential amendment.

Rule 9 inserts new provisions into the 1991 Rules to make provision for how the court should deal with applications under section 8(2) of the 2006 Act and under paragraph 5 of Schedule A1 to the 1989 Act.

Rules 10, 13, 15, 16 and 18 make modifications to the 1991 Rules to ensure that various existing duties of an officer of the Service or Welsh family proceedings officer apply to such an officer who is providing the court with information in respect of an enforcement order or who is monitoring compliance with such an order.

Rule 12 modifies the 1991 Rules to include provision relating to the filing and service of acknowledgement forms in respect of various applications, to include those relating to the enforcement of contact orders.

Rule 17 modifies rule 16(1A) of the 1991 Rules to ensure a court cannot proceed to make specified orders without adequate information.

Rule 20 modifies the 1991 Rules to make provision in respect of service of enforcement orders and orders made under paragraph 9(2) of Schedule A1 to the 1989 Act. Rule 19 makes an associated amendment.

Rule 21 modifies rule 33 of the 1991 Rules to ensure that section 97 of the Magistrates’ Courts Act 1980 (c.43) applies to cases to which these Rules apply.

Rule 22, and the Schedule, modifies Schedule 1 to the 1991 Rules to inset new forms of application and order in respect of the cases to which these Rules apply.

Rule 23 modifies Schedule 2 to the 1991 Rules to specify who shall be the Respondent to, and who shall be notified of, applications made in the cases to which these Rules apply.