
S T A T U T O R Y I N S T R U M E N T S

1985 No. 1503 (L. 12)

COUNTY COURTS

PROCEDURE

The County Court (Forms) (Amendment No. 2) Rules 1985

Made - - - - - *30th July 1985*

Coming into Operation *1st December 1985*

1.—(1) These Rules may be cited as the County Court (Forms) (Amendment No. 2) Rules 1985.

(2) In these Rules a form referred to by number means the form so numbered in the Schedule to the County Court (Forms) Rules 1982^(a) and “the main Schedule” means that Schedule.

2. There shall be inserted in the main Schedule after Form N.112, the new Forms N.113 to N.116 contained in the Schedule to these Rules.

^(a) S.I. 1982/586, as amended by S.I. 1982/1141.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 75 of the County Courts Act 1984(a), having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

*C R Oddie
J B Taylor
P G Hebbert
Peter Crane
Anthony Girling*

*Norman Francis
C S Stuart-White
A W Donaldson
Alan K Griesbach*

I allow these Rules, which shall come into operation on 1st December 1985.

Dated 30th July 1985

Hailsham of St. Marylebone, C.

APPLICATION FOR REGISTRATION OF MAINTENANCE ORDER IN A MAGISTRATES' COURT
IN THE COUNTY COURT

No. of matter

BETWEEN PETITIONER

AND RESPONDENT

PLEASE COMPLETE IN BLOCK CAPITALS

The following information is given in support of my application for registration in a magistrates' court to recover the maintenance or interim maintenance due under an order dated the

1. The person who is to receive the payments (either for herself/himself or on behalf of a child) is:—

Name
Address

2. The person who has to make the payments is:—

Name
Date of birth
Occupation
Address

3. The arrears (if any) are as follows:—

(a) for wife/husband

Arrears due	Date arrears calculated to	Date next payment due

(b) for the child(ren) named below:—

Name(s) of the child(ren)	Date of birth	Arrears due	Date arrears calculated to	Date next payment due

4. (i) There are no other proceedings pending for the recovery of maintenance. (Tick as appropriate)
- or*
- (ii) The following proceedings are pending for the recovery of maintenance:

If box (ii) has been ticked please give details of any writ, warrant or other process in force

5. I would like the order registered because:—

Please give your reasons.

6. I have been asked by the Department of Health and Social Security to apply for registration because I am in receipt of Supplementary Benefit. (Delete if not applicable)

7. Please Register:— (Tick as appropriate)
- (i) the whole order
- (ii) paragraphs numbered only
- (iii) the parts of the order listed below

If box (iii) has been ticked please list parts of order for registration.

8. The order is not already registered under the Maintenance Orders Act 1958.

Signed _____

Dated _____

APPLICATION FOR A CUSTODIANSHIP ORDER (Order 47, rule 7)

In the

county court

No _____

In the matter of the Children Act 1975

In the matter of _____

a child

NOTE. Enter the first name(s) and surname of the child.

Application for a custodianship order

NOTE. The child must live within the district of the county court to which the application is made, or it must be the divorce county court in which a declaration has been made under section 41 of the Matrimonial Causes Act 1973.

I/We _____
(and _____)
wish to apply for a custodianship order in respect
of _____
and give the following information in support of my/our
application.

Part 1 Details of the applicant(s)

NOTE. Enter the address where the applicant lives, and the place (if different) where documents may be received.

1. Name and address.
Name of (first) applicant in full _____

Address _____

Relationship (if any) to the child _____
(Name of (second) applicant in full _____

Address _____

Relationship (if any) to the child _____)

Part 2 Details of the child

2. Identity

The child is of the _____ sex and was born on the _____ day of _____ 19 ____

NOTE. If the child is illegitimate give details of the putative (supposed) father. If he has custody of the child by virtue of a court order give details of that order under paragraph 10.

3. Parentage

The child is the child of _____ whose last address was _____ (or deceased) (and _____ whose last address was _____) (or deceased)

NOTE. Cross out this paragraph if the child has no guardian. Do not include the person who has custody of the child only.

[4. Guardian

The guardian(s) of the child (other than the mother or father of the child) is/are _____ of _____ (and _____ of _____)

NOTE. * Cross out the paragraphs which do not apply. No consent is required where:
a. the child has lived with the applicant(s) for a period or periods which amount to 3 years, including the 3 months before the application is made,
b. the applicant,
• is a parent or step parent with whom the child has lived for 3 months before the application is made,
• is a person with whom the child has lived for a period or periods which amount to 1 year including the 3 months before the application is made.
and (in both cases)
• no person has legal custody of the child,
• the applicant has legal custody of the child,
• the person who has legal custody cannot be found.

[5. Consent

- * a. Consent of person having legal custody. _____ of _____ (and _____ of _____)
Consent to the making of a custodianship order in my/our favour.
- * b. No-one has legal custody of the child
- * c. I _____ have legal custody of the child
- * d. The person who has legal custody of the child cannot be found.]

NOTE. Cross out this paragraph unless the child is in the care of a local authority or a voluntary organisation.

[6. Care

The child is in the care of _____

(who has/have the powers and duties of a parent or guardian of the child)

(or has the parental rights and duties in respect of the child).]

NOTE. If paragraph 6 is crossed out, this paragraph must be completed.

[7. Local authority

The name and address of the local authority in whose area the child lives is _____

of _____

NOTE. Cross out this paragraph unless some person or body has to pay maintenance for the child under a court order or agreement.

[8. Maintenance

Under a court order made on

the ____ day of _____ 19 ____

at _____

(or by an agreement dated the ____ day of _____ 19 .)

of _____

is obliged to pay maintenance for the child.]

Part 3 General

NOTE. Give details of the period or periods during which the child has lived with the applicant(s), these must include the three months immediately before the application is made.

9. The child has lived with me/us continuously since the ____ day of _____ 19 ____ /for the following periods _____ and has therefore lived with me/us for _____ months/years including the three months immediately before this application is made.

NOTE Give details of the proceedings and the date and effect of any order

10. No proceedings about the child have been commenced or completed in any court in England and Wales or elsewhere (except _____

_____)

NOTE. No referee is required where the applicant or one of the applicants is either a step-parent or relative of the child.

11. For the purpose of this application reference may be made to _____
of _____
And _____
of _____

NOTE. Notice of this application must be given to the Local Authority within 7 days of its issue, unless that period has been extended by that Authority or the court, under section 40(1) of the 1975 Act.

12. I/We apply for a custodianship order for the child.

NOTE. Give details of any other order that you intend to apply for.

13. I/We also intend to apply to the court for an order that _____

Signed _____
Signed _____
Dated the ____ day of _____ 19 ____

In the

County Court

No. _____

In the matter of the Children Act 1975
In the matter of _____

a child

NOTE: Enter the first name(s) and surname of the child.

Child's/Applicant's medical certificate

I have examined the above mentioned child
 the applicant
on ____ day of _____ 19 ____

I have formed the opinion that he/she is not suffering from any ill-health, disability, or abnormality.

He/she is suffering from

NOTE: Tick the appropriate box.

NOTE: Where the person being examined is suffering from any ill-health, disability or abnormality, give details of its nature and extent and its likely prognosis

Signed _____ Date _____

Qualifications _____

Address _____

In the

County Court

No. _____

In the matter of the Children Act 1975
In the matter of _____

a child

NOTE. Insert the first name(s) and surname of the child.

Consent to a custodianship order

If you are in any doubt about your legal rights you should obtain legal advice **before** signing this form.

NOTE. Insert the name of the applicants

1. An application is to be made

by _____

(and _____)

for a **custodianship order** in respect of

_____ a child

NOTE. Insert *either* the name of the parent or guardian, or the name of the authorised officer of the local authority or voluntary body in whose care the child is.

2. I _____

of _____

(being a parent/guardian of the child)

(an authorised officer of _____)

which has legal custody of the child)

state as follows.

NOTE. "Rights and duties" includes making decisions about the child's care and upbringing and about the place and manner in which the child's time is spent.

3. I understand that if an order is made in favour of the applicant (s) he/she/they will have transferred to him/her/them all the rights and duties in respect of the child, that by law a mother and father have in relation to a legitimate child, until he/she attains the age of 18 years or until the court revokes the order if this happens before the child's 18th birthday **except:**

- the right to arrange the child's emigration from the United Kingdom.
- to withhold agreement to the child's adoption.
- to administer the child's property.
- to change the child's name.
- to change the child's religion.

NOTE. Cross out this paragraph if the person giving consent is not a parent or guardian. An application for access may be made on notice under Section 34 1(a) of the 1975 Act.

(4. I understand that I may apply to the court for an order for access to the child.)

5. I understand that the court cannot make a custodianship order without my consent.

NOTE. Notice of the time date and place of hearing will be sent to you.

6. I understand that when the application for a custodianship order is heard this document may be used as evidence of my agreement unless I inform the court on or before the hearing of the application that I no longer agree.

7. I consent to the making of a custodianship order.

NOTE: This form should be witnessed by:

- in England and Wales an authorised officer of a county court, a Justice's Clerk or a Justice of the Peace;
- in Scotland a Justice of the Peace or a Sheriff;
- in Northern Ireland a Justice of the Peace;
- outside the United Kingdom a British Consular Officer, a Notary Public, any person for time being authorised by law, in the place where the form is signed, to administer an oath for any judicial or other legal process, or if the person signing the form is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

If you are in any doubt about your legal rights you should obtain legal advice **before** signing this form.

Signed _____

This form was signed

by _____

before me at _____

on the ____ day of _____ 19 ____

Signed (witness) _____

Address _____

Description _____

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the County Court (Forms) Rules 1982 so as to provide for a form of application for the registration of a maintenance order in a magistrates' court and for three forms to be used in proceedings under Part II of the Children Act 1975^(a), namely—

- (a) a form of application for a custodianship order,
- (b) a form of consent to such an order, and
- (c) a medical certificate.

^(a) 1975 c. 72, amended by the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22) and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41).

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