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STATUTORY INSTRUMENTS

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**1991 No. 1247**

**The Family Proceedings Rules 1991**

**PART II**

**MATRIMONIAL CAUSES**

*Pleadings and amendment*

**Supplemental petition and amendment of petition**

- 2.11.**—(1) Subject to rule 2.14—
- (a) a supplemental petition may be filed without leave at any time before an answer is filed but thereafter only with leave; and
  - (b) a petition may be amended without leave at any time before an answer is filed but thereafter only with leave.
- (2) Subject to paragraph (3) an application for leave under this rule—
- (a) may, if every opposite party consents in writing to the supplemental petition being filed or the petition being amended, be made by lodging in the court office the supplemental petition or a copy of the petition as proposed to be amended; and
  - (b) shall, in any other case, be made on notice (or in the High Court by summons) to be served, unless otherwise directed, on every opposite party.
- (3) The district judge may, if he thinks fit, require an application for leave to be supported by an affidavit.
- (4) An order granting leave shall—
- (a) where any party has given notice of intention to defend, fix the time within which his answer must be filed or amended;
  - (b) where the order is made after directions for trial have been given, provide for a stay of the hearing until after the directions have been renewed.
- (5) An amendment authorised to be made under this rule shall be made by filing a copy of the amended petition.
- (6) Rules 2.5 and 2.7 shall apply to a supplemental or amended petition as they apply to the original petition.
- (7) Unless otherwise directed, a copy of a supplemental or amended petition, together with a copy of the order (if any) made under this rule shall be served on every respondent and co-respondent named in the original petition or in the supplemental or amended petition.
- (8) The petitioner shall file the documents required by paragraph (7) to be served on any person and thereupon, unless otherwise directed, rules 2.6(6) and 2.9 shall apply in relation to that person as they apply in relation to a person required to be served with an original petition.