
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART III

OTHER MATRIMONIAL ETC PROCEEDINGS

Exercise in principal registry of county court jurisdiction under section 17 of Married Women's Property Act 1882

3.7.—(1) Where any proceedings for divorce, nullity or judicial separation which are either pending in the principal registry, or are intended to be commenced there by the applicant, are or will be treated as pending in a divorce county court, an application under section 17 by one of the parties to the marriage may be made to the principal registry as if it were a county court.

(2) In relation to proceedings commenced or intended to be commenced in the principal registry under paragraph (1) of this rule or transferred from the High Court to the principal registry by an order made under section 38 of the Act of 1984⁽¹⁾—

(a) section 42 of the Act of 1984 and the rules made thereunder shall have effect, with the necessary modifications, as they have effect in relation to proceedings commenced in or transferred to the principal registry under that section; and

(b) CCR Order 4, rule 8 and rule 3.6(3) (which relate to venue) shall not apply.

(3) Rule 1.4(1) shall apply, with the necessary modifications, to proceedings in, or intended to be commenced in, the principal registry under paragraph (1) of this rule as it applies to matrimonial proceedings.

(1) Section 38 was amended by the Matrimonial Proceedings (Transfers) Act 1988 (c. 18), section 1(1) and the Children Act 1989 (c. 41), Schedule 13, paragraph 51.