
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART IV

PROCEEDINGS UNDER THE CHILDREN ACT 1989

Application

4.4.—(1) Subject to paragraph (4), an applicant shall—

- (a) file the application in respect of each child in the appropriate form in Appendix 1 to these rules or, where there is no such form, in writing, together with sufficient copies for one to be served on each respondent, and
- (b) serve a copy of the application, endorsed in accordance with paragraph (2)(b), on each respondent such number of days prior to the date fixed under paragraph (2)(a) as is specified for that application in column (ii) of Appendix 3 to these rules.

(2) On receipt of the documents filed under paragraph (1)(a) the proper officer shall—

- (a) fix the date for a hearing or a directions appointment, allowing sufficient time for the applicant to comply with paragraph (1)(b),
- (b) endorse the date so fixed upon the copies of the application filed by the applicant, and
- (c) return the copies to the applicant forthwith.

(3) The applicant shall, at the same time as complying with paragraph (1)(b), give written notice of the proceedings, and of the date and place of the hearing or appointment fixed under paragraph (2) (a), to the persons set out for the relevant class of proceedings in column (iii) of Appendix 3 to these rules.

(4) An application for—

- (a) a prohibited steps order, or a specific issue order, under section 8,
- (b) an emergency protection order,
- (c) a warrant under section 48(9), or
- (d) a recovery order,

may be made ex parte in which case the applicant shall—

- (i) file the application in respect of each child in the appropriate form in Appendix 1 to these rules—
 - (a) where the application is made by telephone, within 24 hours after the making of the application, or
 - (b) in any other case, at the time when the application is made, and
- (ii) in the case of an application for a prohibited steps order, or a specific issue order, under section 8 or an emergency protection order, serve a copy of the application on each respondent within 48 hours after the making of the order.

(5) Where the court refuses to make an order on an ex parte application it may direct that the application be made inter partes.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) In the case of proceedings under Schedule 1, the application under paragraph (1) shall be accompanied by a statement setting out the financial details which the applicant believes to be relevant to the application and containing a declaration that it is true to the maker's best knowledge and belief, together with sufficient copies for one to be served on each respondent.