
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART VII

ENFORCEMENT OF ORDERS

Chapter 1.

General

Enforcement of order for payment of money, etc

7.1.—(1) Before any process is issued for the enforcement of an order made in family proceedings for the payment of money to any person, an affidavit shall be filed verifying the amount due under the order and showing how that amount is arrived at.

In a case to which CCR Order 25 rule 11 (which deals with the enforcement of a High Court judgement in the county court) applies, the information required to be given in an affidavit under this paragraph may be given in the affidavit filed pursuant to that rule.

(2) Except with the leave of the district judge, no writ of fieri facias or warrant of execution shall be issued to enforce payment of any sum due under an order for ancillary relief or an order made under the provisions of section 27 of the Act of 1973(1) where an application for a variation order is pending.

(3) Where a warrant of execution has been issued to enforce an order made in family proceedings pending in the principal registry which are treated as pending in a divorce county court, the goods and chattels against which the warrant has been issued shall, wherever they are situate, be treated for the purposes of section 103 of the County Courts Act 1984(2) as being out of the jurisdiction of the principal registry.

(4) The Attachment of Earnings Act 1971(3) and CCR Order 27 (which deals with attachment of earnings) shall apply to the enforcement of an order made in family proceedings in the principal registry which are treated as pending in a divorce county court as if the order were an order made by such a court.

(5) Where an application under CCR Order 25, rule 3 (which deals with the oral examination of a judgement debtor) relates to an order made by a divorce county court—

(a) the application shall be made to such divorce county court as in the opinion of the applicant is nearest to the place where the debtor resides or carries on business, and

(1) Section 27 was amended by the Domicile and Matrimonial Proceedings Act 1973 (c. 45), section 6(1), the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), sections 63 and 89(2) and Schedule 3, the Matrimonial and Family Proceedings Act 1984 (c. 42), sections 41 and 46(1) and Schedule 1, paragraph 12 and the Family Law Reform Act 1987 (c. 42), Schedule 2, paragraph 52.

(2) 1984 c. 28.

(3) 1971 c. 32.

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

(b) there shall be filed with the application the affidavit required by paragraph (1) of this rule and, except where the application is made to the court in which the order sought to be enforced was made, a copy of the order shall be exhibited to the affidavit;
and accordingly paragraph (2) of the said rule 3 shall not apply.