
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART VII

ENFORCEMENT OF ORDERS

Chapter 1.

General

Committal and injunction

7.2.—(1) Subject to RSC Order 52, rule 6 (which, except in certain cases, requires an application for an order of committal to be heard in open court) an application for an order of committal in family proceedings pending in the High Court shall be made by summons.

(2) Where no judge is conveniently available to hear the application, then, without prejudice to CCR Order 29, rule 3(2) (which in certain circumstances gives jurisdiction to a district judge) an application for—

- (a) the discharge of any person committed, or
- (b) the discharge by consent of an injunction granted by a judge,

may be made to the district judge who may, if satisfied of the urgency of the matter and that it is expedient to do so, make any order on the application which a judge could have made.

(3) Where an order or warrant for the committal of any person to prison has been made or issued in family proceedings pending in the principal registry which are treated as pending in a divorce county court, that person shall, wherever he may be, be treated for the purposes of section 122 of the County Courts Act 1984(1) as being out of the jurisdiction of the principal registry; but if the committal is a failure to comply with the terms of an injunction, the order or warrant may, if a judge so directs, be executed by the tipstaff within any county court district.

(4) For the purposes of section 118 of the County Courts Act 1984(2) in its application to the hearing of family proceedings at the Royal Courts of Justice, the tipstaff shall be deemed to be an officer of the court.

(1) 1984 c. 28.

(2) Section 118(1)(i) was repealed in part by the Statute Law (Repeals) Act 1986 (c. 12), Schedule 1, Part I.