
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART VII

ENFORCEMENT OF ORDERS

Proceedings under Act of 1972

Application of rules 7.30 to 7.36 to the Hague Convention countries

7.38.—(1) In relation to the Hague Convention countries, rules 7.30, 7.31, 7.34, 7.35 and 7.36 shall have effect subject to the provisions of this rule, but rules 7.32 and 7.33 shall not apply.

(2) A reference in rules 7.31 and 7.34 to a reciprocating country shall be construed as a reference to a Hague Convention country.

(3) The following words shall be inserted after paragraph (a)(ii) of rule 7.31—
“and (iii) whether the time for appealing against the order has expired and whether an appeal is pending;”.

(4) The following paragraphs shall be inserted after paragraph (e) of rule 7.31—

“(f) a statement as to whether or not the payer appeared in the proceedings in which the maintenance order was made, and, if he did not, the original or a copy certified by the applicant or his solicitor to be a true copy of a document which establishes that notice of the institution of proceedings, including notice of the substance of the claim, was served on the payer;

(g) a document which establishes that notice of the order was sent to the payer;

(h) a written statement as to whether or not the payee received legal aid in the proceedings in which the order was made, or in connection with the application under section 2 of the Act of 1972 and, if he did, a copy certified by the applicant or his solicitor to be a true copy of the legal aid certificate.”.

(5) In relation to the Hague Convention countries the following rules shall apply in place of rules 7.35 and 7.36—

“Notification of variation or revocation

7.35.—(1) Where the court makes an order varying or revoking a maintenance order to which section 5 of the Act of 1972, as modified, applies, and the time for appealing has expired without an appeal having been entered, the proper officer shall send to the Secretary of State such documents as are required by subsection (7) of that section, as it applies to Hague Convention countries, including a certificate signed by the district judge that the order of variation or revocation is enforceable and that it is no longer subject to the ordinary forms of review.

(2) Where either party enters an appeal against the order of variation or revocation he shall, at the same time, inform the proper officer thereof by a notice in writing.

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

Transmission of documents

7.36 Any document required to be sent to a court in a Hague Convention country shall be sent to the Secretary of State for transmission to the court.”.