
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART VII

ENFORCEMENT OF ORDERS

Chapter 3.

Registration and Enforcement of Custody Orders

Application to register English Part I order

7.8.—(1) An application under section 27 of the Act of 1986 for the registration of a Part I order made by the High Court shall be made by lodging in the principal registry or the district registry, as the case may be, a certified copy of the order, together with a copy of any order which has varied any of the terms of the original order and an affidavit by the applicant in support of his application, with a copy thereof.

(2) An application under section 27 of the Act of 1986 for the registration of a Part I order made by a county court shall be made by filing in that court a certified copy of the order, together with a certified copy of any order which has varied any of the terms of the original order and an affidavit in support of the application, with a copy thereof.

(3) The affidavit in support under paragraphs (1) and (2) above shall state—

- (a) the name and address of the applicant and his interest under the order;
- (b) the name and date of birth of the child in respect of whom the order was made, his whereabouts or suspected whereabouts and the name of any person with whom he is alleged to be;
- (c) the name and address of any other person who has an interest under the order and whether it has been served on him;
- (d) whether the order is to be registered in Scotland or Northern Ireland or in both jurisdictions;
- (e) that, to the best of the applicant's information and belief, the order is in force;
- (f) whether, and if so where, the order is already registered; and
- (g) details of any order known to the applicant which affects the child and is in force in the jurisdiction in which the Part I order is to be registered;

and there shall be exhibited to the affidavit any document relevant to the application.

(4) Where the documents referred to in paragraphs (1) and (3), or (2) and (3), as the case may be are to be sent to the appropriate court, the proper officer shall—

- (a) retain the original affidavit and send the other documents to the Deputy Principal Clerk or to the Master, as the case may be;
- (b) record the fact of transmission in the records of the court; and
- (c) file a copy of the documents.

Status: This is the original version (as it was originally made).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

(5) On receipt of notice of the registration of a Part I order in the appropriate court the proper officer shall record the fact of registration in the records of the court.

(6) If it appears to the proper officer that the Part I order is no longer in force or that the child has attained the age of 16, he shall refuse to send the documents to the appropriate court and shall within 14 days of such refusal give notice of it, and there reason for it, to the applicant.

(7) If the proper officer refuses to send the documents to the appropriate court, the applicant may apply to the judge in chambers for an order that the documents (or any of them) be sent to the appropriate court.