
STATUTORY INSTRUMENTS

1994 No. 3155

The Family Proceedings (Amendment) (No. 4) Rules 1994

1. These rules may be cited as the Family Proceedings (Amendment) (No. 4) Rules 1994 and shall come into force on 3rd January 1995.

2. The Family Proceedings Rules 1991(1) shall be amended in accordance with the following provisions of these Rules and, in those provisions, any reference to a rule, Part or Appendix by number alone shall be construed as a reference to the rule, Part or Appendix so numbered in the said Rules of 1991.

3. In the Arrangement of Rules—

- (a) for “4A.4 Answer” there shall be substituted “A.4 Acknowledgement”;
- (b) for “PART VI.CHILD ABDUCTION AND CUSTODY ACT 1985(2)” there shall be substituted “PART VI.CHILD ABDUCTION AND CUSTODY”;
- (c) After rule 6.16 there shall be inserted—

“6.17 Applications and Orders under sections 33 and 34 of the Family Law Act 1986(3)

4. In rule 4.3(1)—

- (a) in sub-paragraph (a), after “leave” there shall be inserted “in Form C2”;
- (b) for sub-paragraph (b), there shall be substituted—
 - “(b) a draft of the application (being the documents referred to in rule 4.4(1A)) for the making of which leave is sought together with sufficient copies for one to be served on each respondent.”.

5. In rule 4.4(1)—

- (a) for sub-paragraph (a) there shall be substituted—
 - “(a) file the documents referred to in paragraph (1A) below (which documents shall together be called the “application”) together with sufficient copies for one to be served on each respondent, and”;
- (b) for the words “, endorsed in accordance with paragraph (2)(b),” in sub-paragraph (b) there shall be substituted “together with Form C6 and such (if any) of Forms C7 and C10A as are given to him by the proper officer under paragraph (2)(b)”.

6. In rule 4.4, after paragraph (1), there shall be inserted—

- “(1A) the documents to be filed under paragraph (1)(a) above are—
 - (a) (i) whichever is appropriate of Forms C1 to C4 or C51, and
 - (ii) such of the supplemental Forms C10 or C11 to C20 as may be appropriate, or
 - (b) where there is no appropriate form a statement in writing of the order sought, and where the application is made in respect of more than one child, all the children shall be included in one application.”.

(1) S.I.1991/1247, amended by S.I. 1991/2113, 1992/456 and 2067, 1993/295 and 1994/808, 2165 and 2890.

(2) 1985 c. 60.

(3) 1986 c. 55.

7. In rule 4.4(2)—
 - (a) for “the copies of the application filed by the applicant” in sub-paragraph (b), there shall be substituted “Form C6 and, where appropriate, Form C6A”; and
 - (b) for sub-paragraph (c) there shall be substituted—
 - “(c) return forthwith to the applicant the copies of the application and Form C10A if filed with it, together with Form C6 and such of Forms C6A and C7 as are appropriate.”.
8. For rule 4.4(3) there shall be substituted—
 - “(3) The applicant shall, at the same time as complying with paragraph (1)(b), serve Form C6A on the persons set out for the relevant class of proceedings in column (iv) of Appendix 3 to these rules.”.
9. In rule 4.4(4)(i), the words “in respect of each child” shall be deleted.
10. In rule 4.4(6)—
 - (a) after “accompanied by a statement” there shall be added “in Form C10A”; and
 - (b) the words “and containing a declaration that it is true to the maker’s best knowledge and belief” shall be deleted.
11. In rule 4.6(1)(a) for “CHA58” there shall be substituted “C2”.
12. In rule 4.6(7)(a), for “CHA 66”, there shall be substituted “C49”.
13. In rule 4.7(2), for “in writing” there shall be substituted “in Form C2”.
14. In rule 4.8(7)—
 - (a) after “shall file a statement” there shall be inserted “in Form C9”; and
 - (b) in sub-paragraph (a), after “application” there shall be inserted “and other documents referred to in rule 4.4(1)(b)”.
15. In rule 4.9—
 - (a) in paragraph (1)—
 - (i) for “answer to” there shall be substituted “acknowledgement of”;
 - (ii) after “section 8 order” there shall be inserted “or an application under Schedule 1”;
 - and
 - (iii) for “CHA10A” there shall be substituted “C7”; and
 - (b) paragraph (2) shall be deleted.
16. In rule 4.10(11), for “CHA30” there shall be substituted “C47”.
17. In rule 4.12(6), for “CHA31” there shall be substituted “C48”.
18. In rule 4.14(3), after “written request” wherever it appears, there shall be inserted “in Form C2”.
19. In rule 4.14(5), after “2 days’ notice” there shall be inserted “in Form C6”.
20. For rule 4.21(4) there shall be substituted—
 - “(4) When making an order or when refusing an application, the court shall—
 - (a) where it makes a finding of fact state such finding and complete Form C22; and
 - (b) state the reason’s for the court’s decision”.
21. In rule 4.26(2), for “in writing” there shall be substituted “in Form C40”.

22. In rule 4.27(1), for “in writing” there shall be substituted “in Form C37”.
23. In rule 4A.4—
- (a) in the heading, for “**Answer**” there shall be substituted “**Acknowledgement**”; and
 - (b) for “answer in Form CHA 75” there shall be substituted “acknowledgement in Form C52”.
24. In the heading to Part VI the words “ACT 1985” shall be deleted.
25. After rule 6.16 there shall be inserted a new rule as follows—

“Applications and Orders under sections 33 and 34 of the Family Law Act 1986

6.17.—(1) In this rule “the 1986 Act” means the Family Law Act 1986.

(2) An application under section 33 of the 1986 Act shall be in Form C4 and an order made under that section shall be in Form C30.

(3) An application under section 34 of the 1986 Act shall be in Form C3 and an order made under that section shall be in Form C31.

(4) An application under section 33 or section 34 of the 1986 Act may be made ex parte in which case the applicant shall file the application—

- (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 shall serve a copy of the application on each respondent 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.”.

26. In rule 10.21(2), for “CHA59”, there shall be substituted “C8”.
27. In Appendix 1—
- (a) in paragraph 13 of Form M5 (Notice of Proceedings), for “CHA10(D)” there shall be substituted “C2”.
 - (b) in the list of forms at the beginning of the Appendix, the references to all forms from and including “CHA1” to the end of the list shall be deleted and there shall be substituted the list of forms set out in Schedule 1 to these rules; and
 - (c) the forms in the Appendix whose numbers are prefixed by “CHA” shall be omitted and the forms set out in Schedule 2 to these rules shall be inserted in their place.

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