
STATUTORY INSTRUMENTS

1994 No. 3156

The Family Proceedings Courts (Children Act 1989) (Amendment (No.2) Rules 1994

1. These rules may be cited as the Family Proceedings Courts (Children Act 1989) (Amendment (No.2) Rules 1994 and shall come into force on 3rd January 1995.

2. The Family Proceedings Courts (Children Act 1989) Rules 1991(1) shall be amended in accordance with the following provisions of these Rules and, in those provisions, any reference to a rule, or schedule by number alone shall be construed as a reference to the rule or schedule so numbered in the said Rules of 1991. 3. In the Arrangement of Rules—

- (a) for “9. Answer to application” there shall be substituted “9. Acknowledgement of application”;
- (b) for “21D. Answer” there shall be substituted “21D. Acknowledgement”;
- (c) after rule 31 there shall be inserted—

“31A. Applications and orders under sections 33 and 34 of the Family Law Act 1986(2)

- (d) after rule 33 there shall be inserted—

“33A. Disclosure of addresses”.

4. In rule 3(1)—

- (a) in sub-paragraph (a), after “leave” there shall be inserted “in Form C2”; and
- (b) for sub-paragraph (b) there shall be substituted—

“(b) a draft of the application (being the documents referred to in rule 4(aA)) for the making of which leave is sought together with sufficient copies for one to be served on each respondent.”.

5. In rule 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”; 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 justices' clerk under paragraph 2(b)”.

6. In rule 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 C5 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,

(1) S.I.1991/1395, amended by S.I. 1991/1991, 1992/2068, 1993/627 and 1994/809 and 2166.

(2) 1986 c. 55.

and where the application is made in respect of more than one child, all the children shall be included in one application.”.

7. In rule 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(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 in relation to the relevant class of proceedings in column (iv) of Schedule 2 to these Rules.”.
9. In rule 4(4)(i), the words “in respect of each child” shall be deleted.
10. In rule 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 6—
 - (a) for “a certificate” in paragraph (1) there shall be substituted “an order or certificate”; and
 - (b) for “certificate” in paragraph (2) there shall be substituted “order”.
12. In rule 7(2), for “in writing” there shall be substituted “in Form C2”.
13. In rule 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(1)(b)”.
14. For rule 9 there shall be substituted—

“Acknowledgement of application

9. Within 14 days of service of an application for a section 8 order or an application under Schedule 1, each respondent shall file and serve on the parties an acknowledgement of the application in Form C7.”

15. In rule 14(4), for “a certificate” there shall be substituted “an order”.
16. In rule 14(5), after “written request” wherever it appears, there shall be inserted “in Form C2”.
17. In rule 14(7), after “2 days’ notice” there shall be inserted “in Form C6”.
18. For rule 21(6) there shall be substituted—
 - “(4) When making an order or when refusing an application, the court, or one of the justices constituting the court by which the decision is made shall
 - (a) where it makes a finding of fact state such finding and complete Form C22; and
 - (b) state the reasons for the court’s decision.”.
19. In rule 21D—

- (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”.
20. In rule 27(2), for “in writing” there shall be substituted “in Form C40”.
21. In rule 31(1), for “in writing” there shall be substituted “in Form C37”.
22. After rule 31 there shall be inserted a new rule as follows—

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

31A.—(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.”.

23. After rule 33 there shall be inserted a new rule as follows—

“Disclosure of addresses

33A.—(1) Nothing in these rules shall be construed as requiring any party to reveal the address of their private residence (or that of any child) except by order of the court.

(2) Where a party declines to reveal an address in reliance upon paragraph (1) he shall give notice of that address to the court in Form C8 and that address shall not be revealed to any person except by order of the court.”.

24. In Schedule 1—

- (a) the list of forms at the beginning of the Schedule shall be deleted and there shall be substituted the list of forms set out in Schedule 1 to these rules.
- (b) the forms in the Schedule shall be omitted and the forms set out in Schedule 2 to these rules shall be inserted in their place.

Dated 8th December 1994

Mackay of Clashfern, C.