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STATUTORY INSTRUMENTS

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**1994 No. 809 (L.5)**

**MAGISTRATES' COURTS**

**The Family Proceedings Courts  
(Miscellaneous Amendments) Rules 1994**

<i>Made</i>	- - - -	<i>21st March 1994</i>
<i>Laid before Parliament</i>		<i>21st March 1994</i>
<i>Coming into force</i>	- -	<i>11th April 1994</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980(1), after consultation with the Rule Committee appointed under that section, hereby makes the following Rules:—

1. These Rules may be cited as the Family Proceedings Courts (Miscellaneous Amendment) Rules 1994 and shall come into force on 11th April 1994.

2. The following amendments shall be made to Schedule 1 to the Family Proceedings Courts (Children Act 1989) Rules 1991(2):—

(a) in Form CHA13 (Application for Financial Provision for Children)(3)—

(i) in the preliminary section, after “If you have ticked “periodical payments” or “secured periodical payments”” there shall be inserted “please tick here if there is a written agreement made before 5th April 1993 about maintenance for the benefit of the child below . If not”;

(ii) for sections 5 and 6 there shall be substituted the provisions contained in the Schedule to these Rules;

(b) in section 4(b) of Form CHA15 (Application for the Variation/Discharge of an Order for Financial Provision for Children)(4), after “If yes, please give details” there shall be inserted “If the assessment has changed, indicate the original sum and the new sum payable”.

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(1) 1980 c. 43; as extended by section 145 of that Act; by section 93 of the Children Act 1989 (c. 41), as amended by paragraph 22 of Schedule 16 to the Courts and Legal Services Act 1990; and by section 10 of the Courts and Legal Services Act 1990, as amended by paragraph 11 of Schedule 2 to the Maintenance Enforcement Act 1991 (c. 17).

(2) S.I. 1991/1395, amended by S.I. 1991/1991 and 1992/2068.

(3) Form CHA13 was substituted by S.I. 1993/627.

(4) Form CHA15 was amended by S.I. 1991/1991, 1992/2068 and 1993/627.

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3. In Schedule 1 to the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991<sup>(5)</sup>, the following shall be inserted in Form 2 (Application for Order under Section 6)<sup>(6)</sup> before the section headed “My solicitor’s address for service”—

“Is the agreement relating to periodical payment(s) to a child of the family in writing?

Yes  No.

If yes, please state the date on which it was made”.

Dated 21st March 1994

*Mackay of Clashfern, C.*

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<sup>(5)</sup> S.I. 1991/1991, amended by S.I. 1992/2068 and 1993/627.

<sup>(6)</sup> Form 2 was amended by S.I. 1992/2068 and 1993/627.

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SCHEDULE

Rule 2

**5 About earlier court proceedings and maintenance agreements**

(a) Are there any relevant court proceedings between the parents or those who have parental responsibility, or both?

- No Proceedings are not pending or in progress
- Yes Proceedings are pending or in progress. (Please give details below)

*Include the name of the court and the case number of the proceedings if known*

(b) Is there a relevant written maintenance agreement for the benefit of the child?

- No There is no written maintenance agreement
- Yes There is a written maintenance agreement (Please give details below)

*Include*

- the terms of the agreement
- the date it was made
- the parties to the agreement

THE CHILDREN ACT

**6 About this application**

(a) I wish the Court to order that

*Give details of the financial provision you wish the court to make, including the amounts requested*

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**6 About this application (continued)**

(b) The financial needs of the child are

(c) The income, property and other financial resources (if any) of the child are

(d) Does the child have any physical or mental disability?

- No  
 Yes The disability is

*Give details of all disabilities.*

(e) In which manner is the child being, or expected to be, educated or trained?

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**6 About this application (continued)**

(f) Has the Child Support Agency made an assessment for maintenance for this child?  No  Yes

**If you have ticked Yes are you applying :**

• for additional child maintenance on top of payments made through the Child Support Agency?  No  Yes Please give details below

• because the Agency will no longer deal with your claim?  No  Yes Please give details below

• Are you using the Child Support Agency's collection service for the existing maintenance assessment?  No  Yes

**Notice**  
If you have ticked **Yes** and this application is for either

- expenses arising from the child's disability
- or** expenses incurred by the child in being educated, or training for work,
- or** payments in addition to a maximum assessment by the Agency.

you must ask the Agency to collect and enforce payment.

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**6 About this application (continued)**

(g) If payments are not to be collected by the Child Support Agency, how do you wish the payments to be made?

direct to a bank or building society account.

The name of the bank or building society is

The bank or building society sort code is

The account number is

by an attachment of earnings order

in the following way

no preference

*If you would like another method of payment to be used, please give details in the box.*

**Notice** You should now complete the statement of means form (CHA 14)

**EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules amend the Family Proceedings Courts (Children Act 1989) Rules 1991 and the Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991. As a result of transitional provisions relating to the Child Support Act 1991 (c. 48), the courts retain jurisdiction, in certain circumstances, over written maintenance agreements for the benefit of children made before 5th April 1993. The Rules revise Form 2 of the Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991 and Form CHA13 of the Family Proceedings Courts (Children Act 1989) Rules 1991 in order to elicit information concerning these agreements.

The Rules also revise Forms CHA13 and CHA15 to take into account the powers of the Child Support Agency after 11th April 1994 to deal with the collection and enforcement of court orders for education and disability expenses and of orders above the Agency’s maximum assessment where the Agency is already collecting child maintenance on behalf of the applicant.

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