
STATUTORY INSTRUMENTS

2005 No. 2922

The Family Proceedings (Amendment) (No. 5) Rules 2005

Amendments to the 1991 Rules

3. In rule 1.2—

(a) In paragraph (1)—

(i) after “the Child Support Act 1991(1),” insert—

““the Act of 2004” means the Civil Partnership Act 2004;”;

(ii) in the definition of “ancillary relief”, after paragraph (c) insert—

“(ca) an order for maintenance pending outcome of proceedings;”;

(iii) for the definition of “avoidance of disposition order” substitute—

““avoidance of disposition order” means—

(a) in matrimonial proceedings, an order under section 37(2)(b) or (c) of the Act of 1973, and

(b) in civil partnership proceedings, an order under paragraph 74(3) or (4) of Schedule 5 to the Act of 2004;”;

(iv) for the definition of “cause” substitute—

““cause” means—

(a) a matrimonial cause or a civil partnership cause, or

(b) proceedings under section 19 of the Act of 1973 (presumption of death and dissolution of marriage), or

(c) proceedings under section 55 of the Act of 2004 (presumption of death);”;

(v) for the definition of “child” and “child of the family” substitute—

““child”, except in Part IV, in relation to one or both of the parties to a marriage or civil partnership, includes an illegitimate child of that party or, as the case may be, of both parties;

“child of the family” has, except in Part IV, the meaning assigned to it by section 105(1) of the Act of 1989(2);

“civil partnership cause” has the meaning assigned to it by section 32 of the Act of 1984;

“civil partnership order” means one of the orders mentioned in section 37 of the Act of 2004;

“civil partnership proceedings county court” means a county court so designated by the Lord Chancellor under section 36A of the Act of 1984;”;

(vi) for the definition of “consent order” substitute—

(1) 1991 c. 48.

(2) The reference is to the Children Act 1989 (c. 41). Section 105(1) as amended by the Civil Partnership Act 2004, section 263(2).

““consent order” means—

- (a) in matrimonial proceedings, an order under section 33A of the Act of 1973, and
- (b) in civil partnership proceedings, an order under paragraph 66 of Schedule 5 to the Act of 2004;”;

(vii) for the definition of “court of trial” substitute—

““court of trial” means—

- (a) in matrimonial proceedings, a divorce county court designated by the Lord Chancellor as a court of trial pursuant to section 33(1) of the Act of 1984, and
- (b) in civil partnership proceedings, a civil partnership proceedings county court designated by the Lord Chancellor as a court of trial pursuant to section 36A(1)(b) of the Act of 1984, and

in matrimonial proceedings pending in a divorce county court or in civil partnership proceedings pending in a civil partnership proceedings county court, the principal registry shall be treated as a court of trial having its place of sitting at the Royal Courts of Justice;”;

(viii) after the definition of “defended cause” insert—

““designated county court” means a court designated as—

- (a) a divorce county court, or
- (b) a civil partnership proceedings county court, or
- (c) both a divorce county court and a civil partnership proceedings county court;

“dissolution town”, in relation to any civil partnership proceedings, means a place at which sittings of the High Court are authorised to be held outside the Royal Courts of Justice for the hearing of such proceedings or proceedings of the class to which they belong;”;

(ix) for the definition of “district registry” substitute—

““district registry”, except in rule 4.22(2A), means—

- (a) in matrimonial proceedings, any district registry having a divorce county court within its district;
- (b) in civil partnership proceedings, any district registry having a civil partnership proceedings county court within its district; and
- (c) in any other case, any district registry having a designated county court within its district”;

(x) for the definition of “financial provision order” substitute—

““financial provision order” means—

- (a) in matrimonial proceedings, any of the orders mentioned in section 21(1) of the Act of 1973, except an order under section 27(6) of that Act, and
- (b) in civil partnership proceedings, any of the orders mentioned in paragraph 2(1) of Schedule 5 to the Act of 2004, made under Part 1 of Schedule 5 to that Act;”;

(xi) for the definition of “financial relief” substitute—

““financial relief” has—

- (a) in matrimonial proceedings, the meaning assigned to it by section 37 of the Act of 1973, and
 - (b) in civil partnership proceedings, the meaning assigned to it by paragraph 74 of Schedule 5 to the Act of 2004;”;
- (xii) after the definition of “judge” insert—
 - ““matrimonial cause” has the meaning assigned to it by section 32 of the Act of 1984;”;
- (xiii) after the definition of “officer of the service” insert—
 - ““order for maintenance pending outcome of proceedings” means an order under paragraph 38 of Schedule 5 to the Act of 2004;”;
- (xiv) for the definition of “property adjustment order” substitute—
 - ““property adjustment order” means—
 - (a) in matrimonial proceedings, any of the orders mentioned in section 21(2) of the Act of 1973, and
 - (b) in civil partnership proceedings, any of the orders mentioned in paragraph 7(1) of Schedule 5 to the Act of 2004;”;
- (xv) for ““registry for the divorce town”” substitute ““registry for the divorce town or dissolution town””;
- (xvi) in the definition of “Royal Courts of Justice”, after “divorce county court”, insert “or civil partnership proceedings pending in a civil partnership proceedings county court”;
- (xvii) in paragraph (iv) and (v) of the definition of “undefended cause”, after “decree” insert “or civil partnership order, as the case may be.”;
- (xviii) for the definition of “variation order” substitute—
 - ““variation order” means—
 - (a) in matrimonial proceedings, an order under section 31 of the Act of 1973, and
 - (b) in civil partnership proceedings, an order under Part 11 of Schedule 5 to the Act of 2004.”;
- (b) in paragraph (2), for the words after “decree” substitute—
 - “or civil partnership order has been made on the petition, or it has been otherwise finally disposed of.”;
- (c) for paragraph (6) substitute—
 - “(6) References in these rules to a county court shall—
 - (a) in matrimonial proceedings, be construed as references to a divorce county court, and
 - (b) in civil partnership proceedings, be construed as references to a civil partnership proceedings county court.”; and
- (d) after paragraph (7) insert—
 - “(8) In this rule and in rule 1.4, “civil partnership proceedings” means proceedings of a kind with respect to which civil partnership proceedings county courts have jurisdiction by or under section 36A, 36B or 36C of the Act of 1984.
 - (9) In these Rules—

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- (a) a reference to a conditional order is a reference to an order made under Chapter 2 of Part 2 of the Act of 2004 of a kind mentioned in section 37(1)(a), (b) or (c) of that Act which has not been made final; and
- (b) except in rule 8.1 and 8.1A, a reference to a final order is a reference to such an order which has been made final.”