
STATUTORY INSTRUMENTS

2005 No. 2922

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

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Family Proceedings (Amendment) (No. 5) Rules 2005.

(2) Rules 75 to 90 and 117(a)(vi) and (vii), (u), (y) to (bb) and 120 shall come into force on 30th December 2005 and the remainder of these Rules shall come into force on 5th December 2005.

(3) In these Rules a reference to a rule or Appendix by number alone is a reference to the rule or Appendix so numbered in the Family Proceedings Rules 1991(1) (“the 1991 Rules”) and a form referred to by letters or by letters and numbers means the form so designated in Appendix 1 or Appendix 1A to those Rules.

Amendments to the 1991 Rules

2. In the Arrangement of Rules—

(a) For the heading following “PART II” substitute—

“MATRIMONIAL AND CIVIL PARTNERSHIP CAUSES”;

(b) For the entry for rule 2.6B substitute—

“Supplemental: petition for nullity on ground that respondent’s gender had become acquired gender at time of marriage or civil partnership”;

(c) for the entry for rule 2.10 substitute—

“Consent to grant of decree or civil partnership order”;

(d) for the entry for rule 2.12A substitute—

“Supplemental: answer praying for decree or order of nullity on ground of issue of interim gender recognition certificate”;

(e) for the entry for rule 2.12B substitute—

“Supplemental: answer praying for decree or order of nullity on ground that petitioner’s gender had become acquired gender at time of marriage or civil partnership”;

(f) for the entry for rule 2.13A substitute—

“Supplemental: reply to answer praying for decree or order of nullity on ground relating to gender recognition”;

(g) for the entry for rule 2.22 substitute—

“Medical examination in proceedings for nullity of marriage”;

(h) for the entry for rule 2.26 substitute—

(1) S.I.1991/1247; relevant amending instruments are S.I. 1991/2113, 1992/456, 1992/20671993/295, 1994/3155, 1996/816, 1997/1056, 1998/1901, 2000/2267, 2001/821, 2003/184, 2003/2839, 2004/3375, 2005/264, 2005/412, 2005/559 and 2005/1976.

- “Directions as to allegations under section 1(2)(b) of Act of 1973(2) or section 44(5) (a) of Act of 2004(3)
- (i) for the entry for rule 2.39 substitute—
“Procedure for complying with section 41 of Act of 1973 or section 63 of Act of 2004”;
- (j) for the entry for rule 2.44 substitute—
“Application for rescission of decree or conditional order”;
- (k) for the entry for rule 2.45 substitute—
“Application under section 10(2) of Act of 1973 or section 48(2) of Act of 2004”;
- (l) for the entry for rule 2.48 substitute—
“Rescission of decree nisi or conditional order by consent”;
- (m) for the entry for rule 2.49 substitute—
“Decree absolute or final order on lodging notice”;
- (n) for the entry for rule 2.50 substitute—
“Decree absolute or final order on application”;
- (o) after the entry for rule 2.51 insert—
“(2.51A) Indorsement and certificate of final order”;
- (p) in the entry for rule 2.51A, for “2.51A” substitute “2.51B”;
- (q) in the entry for rule 2.51AA, for “2.51AA” substitute “2.51C”;
- (r) in the entry for rule 2.51B, for “2.51B” substitute “2.51D”;
- (s) for the entry for rule 2.67 substitute—
“Request for periodical payments order at same rate as order for maintenance pending suit or outcome of proceedings”;
- (t) for the entry for rule 2.68 substitute—
“Application for order under section 37(2)(a) of Act of 1973 or paragraph 74(2) of Schedule 5 to Act of 2004”;
- (u) for the entry for rule 3.5 substitute—
“Application of other rules to proceedings under section 35 or 36 of Act of 1973 or under paragraph 69 or 73 of Schedule 5 to Act of 2004”;
- (v) for the entry for rule 3.6 substitute—
“Married Women’s Property Act 1882(4) or section 66 of Act of 2004”;
- (w) for the entry for rule 3.7 substitute—
“Exercise in principal registry of county court jurisdiction under section 17 of Married Women’s Property Act 1882 or under section 66 of Act of 2004”;
- (x) after the entry for rule 3.12 insert—
“**3.12A.** Application under section 58 of Act of 2004 for declaration as to civil partnership status”;
- (y) for the entry for rule 3.17 substitute—

(2) The reference is to the Matrimonial Causes Act 1973 (c. 18).

(3) The reference is to the Civil Partnership Act 2004 (c. 33).

(4) 1882 c. 75. Section 17 has been amended by Statute Law (Repeals) Act 1969 (c. 52) and the Matrimonial and Family Proceedings Act 1984 (c. 42), section 43.

- “Application for leave under section 13 of Act of 1984 or under paragraph 4 of Schedule 7 to Act of 2004”;
- (z) for the entry for rule 3.18 substitute—
- “Application for order for financial relief or avoidance of transaction order under Part III of Act of 1984 or under Schedule 7 to Act of 2004”;
- (aa) for the entry for rule 3.19 substitute—
- “Application for order under section 24 of Act of 1984 or paragraph 17 of Schedule 7 to Act of 2004 preventing transaction”;
- (bb) after the entry for rule 3.20 insert—
- “**3.20A.** Consent to registration of civil partnership of child”;
- (cc) for the entry for rule 6.18A substitute “6.18”;
- (dd) for the entry for rule 7.6 substitute—
- “Special provisions as to judgment summonses in designated county courts”;
- (ee) for the entry for rule 10.14 substitute—
- “Evidence of marriage or overseas relationship outside England and Wales”;
- (ff) for the entry for rule 10.22 substitute—
- “Practice to be observed in district registries and designated county courts”;
- 3.** In rule 1.2—
- (a) In paragraph (1)—
- (i) after “the Child Support Act 1991(5),” 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(6);

“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—

““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

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

- (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—
- (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.”.

4. In rule 1.4—

 - (a) for paragraph (1) substitute—

“(1) Subject to the provisions of these rules—

 - (a) matrimonial proceedings pending at any time in the principal registry which, if they had been begun in a divorce county court, would be pending at that time in such a court, shall be treated, for the purposes of these rules and of any provision of the County Court Rules 1981 and the County Courts Act 1984, as pending in a divorce county court and not in the High Court, and
 - (b) civil partnership proceedings pending at any time in the principal registry which, if they had been begun in a civil partnership proceedings county court, would be pending at that time in such a court, shall be treated, for the purposes of these rules and of any provision of the County Court Rules 1981(7) and the County Courts Act 1984(8), as pending in a civil partnership proceedings county court and not in the High Court.”; and
 - (b) in paragraph (2)—
 - (i) after “a divorce county court” the first time it appears insert “or a civil partnership proceedings county court or a designated county court”;
 - (ii) omit “a divorce county court” the second time it appears; and
 - (iii) after “to or from” insert “,”.

5. For the heading following “PART II” substitute “MATRIMONIAL AND CIVIL PARTNERSHIP CAUSES”.

6. In rule 2.1—

 - (a) after paragraph (b), omit “and” and insert—

“(c) to applications under Schedule 5 to the Act of 2004 except Part 9, Part 12 and paragraphs 69 and 73 of that Schedule; and”;
 - (b) for “(c)” substitute “(d)”;

(7) S.I. 1981/1687. These Rules were replaced by the Civil Procedure Rules 1999 (S.I. 1998/3132) but rule 3 of the Family Proceedings (Miscellaneous Amendments) Rules 1999 (S.I. 1999/1012) provides that a reference to those Rules in the Family Proceedings Rules is a reference to them as in force immediately before 26th April 1999.

(8) 1984 c. 28.

- (c) after “section 41 of the Act of 1973” insert “and section 63 of the Act of 2004”.
7. In rule 2.2(2)—
- (a) after “nullity” insert “of marriage”; and
 - (b) after “judicial separation” insert “, or for dissolution, nullity of civil partnership or separation.”.
8. In rule 2.6—
- (a) for paragraph (1) substitute—
 - “(1) A petition may be presented—
 - (a) in a matrimonial cause, to any divorce county court, and
 - (b) in a civil partnership cause, to any civil partnership proceedings county court.”; - (b) in paragraph (2), after “marriage” insert “or civil partnership”;
 - (c) in paragraph (3), after “judicial separation” insert “or dissolution or separation”;
 - (d) in paragraph (4)—
 - (i) for “Where” substitute “In a matrimonial cause, where”; and
 - (ii) for “disposed of by a final order” substitute “finally disposed of”;
 - (e) after paragraph (4) insert—

“(4A) In a civil partnership cause, where there is before a civil partnership proceedings county court or the High Court a petition which has not been dismissed or otherwise finally disposed of, another petition by the same petitioner in respect of the same civil partnership shall not be presented without leave granted on an application made in the pending proceedings:

But no such leave shall be required where it is proposed, after the expiration of the period of one year from the date of the civil partnership, to present a petition for dissolution alleging such of the facts mentioned in section 44(5) of the Act of 2004 as were alleged in a petition for separation presented before the expiration of that period.”; and
 - (f) for paragraph (6) substitute—

“(6) CCR Order 3, rule 4(2) (which, as applied by rule 5 of that Order, deals with the filing and service of petitions) shall not apply, but on the filing of the petition the proper officer shall annex to every copy of the petition for service a notice—

 - (a) in a matrimonial cause, in Form M5 with Form M6 attached, and
 - (b) in a civil partnership cause, in Form M5A with Form M6A attached,

and shall also annex to the copy petition for service on a respondent the copy of any statement and report filed pursuant to paragraph (5) of this rule.”.
9. In rule 2.6A—
- (a) in paragraph (1), for the words after “petition” to the end of the paragraph substitute—

“—

 - (a) for nullity of marriage under section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the Act of 1973, and
 - (b) for nullity of civil partnership under section 50(1)(d) of the Act of 2004.”; and
 - (b) in paragraph (4), for the words after “pending” substitute—

“.

(5) Where a copy of an interim certificate has been filed under paragraph (2) the notice given under paragraph (3) must be accompanied by a copy of the certificate.

(6) Where a copy of the certificate has not been filed under paragraph (2) the notice given under paragraph (3) must also state—

- (a) in a matrimonial cause—
 - (i) the names of the parties to the marriage and the date and place of the marriage, and
 - (ii) the last address at which the parties to the marriage lived together as husband and wife;
- (b) in a civil partnership cause—
 - (i) the names of the parties to the civil partnership and the date on, and the place at which, the civil partnership was formed, and
 - (ii) the last address at which the parties to the civil partnership lived together as civil partners of each other; and
- (c) in any case, such further particulars as the proper officer considers appropriate.”.

10. In rule 2.6B—

- (a) in the heading, after “marriage” insert “or civil partnership”.
- (b) in the rule—
 - (i) after “nullity” insert “of marriage”; and
 - (ii) after “the Act of 1973” insert “or a petition for nullity of civil partnership is brought under section 50(1)(e) of the Act of 2004”.

11. In rule 2.9—

- (a) in paragraph (5)(a), after “Form M6” insert “or Form M6A, as the case may be,”;
- (b) in paragraph (6A)—
 - (i) in sub-paragraph (a), after “decree” the first time it appears insert “or civil partnership order, as the case may be,”;
 - (ii) for sub-paragraph (b), substitute—
 - “(b) no other relevant fact is alleged,”; and
 - (iii) after “decree” the second time it appears insert “or order”; and
- (c) after paragraph (6A) insert—
 - “(6B) In this rule a relevant fact is—
 - (a) in a matrimonial cause, one of the facts mentioned in section 1(2) of the Act of 1973, and
 - (b) in a civil partnership cause, one of the facts mentioned in section 44(5) of the Act of 2004.”.

12. In rule 2.9A—

- (a) in paragraph (1), after “nullity” insert “of marriage”;
- (b) after paragraph (1), insert—
 - “(1A) This rule also applies where a petition for nullity of civil partnership is brought under—
 - (a) section 50(1)(d) of the Act of 2004 and an interim gender recognition certificate has been issued to the respondent,

- (b) section 50(1)(e) of the Act of 2004 and a full gender recognition certificate has been issued to the respondent.”; and
 - (c) in paragraph (2), after “Form M6” insert “or Form M6A, as the case may be,”.
- 13.** In rule 2.10—
- (a) in the heading, after “decree” insert “or civil partnership order”;
 - (b) in the rule after “decree”, wherever it appears, insert “or civil partnership order”;
 - (c) in paragraph (2), for “none of the other facts mentioned in section 1(2) of the Act of 1973” substitute “no other relevant fact”; and
 - (d) after paragraph (2) insert—
 - “(3) In this rule a relevant fact is—
 - (a) in a matrimonial cause, one of the facts mentioned in section 1(2) of the Act of 1973, and
 - (b) in a civil partnership cause, one of the facts mentioned in section 44(5) of the Act of 2004.”.
- 14.** In rule 2.12—
- (a) in paragraph (1)(c)—
 - (i) after “the Act of 1973” insert “, or section 47(1) of the Act of 2004, as the case may be,”; and
 - (ii) after “decree” insert “or civil partnership order”; and
 - (b) in paragraph (4), after “the Act of 1973” insert “or under section 50(1)(b) of the Act of 2004”.
- 15.** In rule 2.12A—
- (a) in the heading, after “decree” insert “or order”;
 - (b) in paragraph (1), after “nullity” insert “of marriage”;
 - (c) after paragraph (1) insert—
 - “(1A) This rule also applies to an answer under rule 2.12(1) which prays for an order for nullity of civil partnership under section 50(1)(d) of the Act of 2004.”; and
 - (d) in paragraph (4), for the words after “pending” substitute—
 - “.
 - (5) Where a copy of an interim certificate has been filed under paragraph (2) the notice given under paragraph (3) must be accompanied by a copy of the certificate.
 - (6) Where a copy of the certificate has not been filed under paragraph (2) the notice given under paragraph (3) must also state—
 - (a) in a matrimonial cause—
 - (i) the names of the parties to the marriage and the date and place of the marriage, and
 - (ii) the last address at which the parties to the marriage lived together as husband and wife, and
 - (b) in a civil partnership cause—
 - (i) the names of the parties to the civil partnership and the date on which and the place at which the civil partnership was formed,

- (ii) the last address at which the parties to the civil partnership lived together as civil partners of each other, and
 - (c) in any case, such further particulars as the proper officer considers appropriate.”.
- 16.** In rule 2.12B—
 - (a) in the heading—
 - (i) after “decree” insert “or order”; and
 - (ii) after “marriage” insert “or civil partnership”;
 - (b) after “nullity” insert “of marriage”; and
 - (c) after “the Act of 1973” insert “or an order for nullity of civil partnership under section 50(1)(e) of the Act of 2004”.
- 17.** In rule 2.13(2), after “decree” insert “or civil partnership order”.
- 18.** In rule 2.13A—
 - (a) in the heading, after “decree” insert “or order”;
 - (b) in paragraph (1), after “nullity” insert “of marriage”; and
 - (c) after paragraph (1) insert—
 - “(1A) This rule also applies where an answer is filed under rule 2.12(1) which prays for an order of nullity of civil partnership under—
 - (a) section 50(1)(d) of the Act of 2004 and an interim gender recognition certificate has been issued to the petitioner;
 - (b) section 50(1)(e) of the Act of 2004 and a full gender recognition certificate has been issued to the petitioner.”.
- 19.** In rule 2.15—
 - (a) in paragraph (1), after “husband or wife” insert “or a civil partner, as the case may be”; and
 - (b) in paragraph (2)—
 - (i) after “husband or wife” insert “or a civil partner”; and
 - (ii) after “(g)” insert “,(ga)”.
- 20.** In rule 2.17, for the words after “notice” substitute—
 - “—
 - (a) in a matrimonial cause, in Form M5 with Form M6 attached, and
 - (b) in a civil partnership cause, in Form M5A with Form M6A attached,and shall send a copy to every other opposite party.”.
- 21.** In rule 2.21(3), for “divorce county court” substitute “designated county court”.
- 22.** In rule 2.22, for the heading substitute “Medical examination in proceedings for nullity of marriage”.
- 23.** In rule 2.24—
 - (a) in paragraph (1)(e), after “nullity” insert “of marriage”;
 - (b) in paragraph (2), for “divorce county court” substitute “designated county court”;
 - (c) for paragraph (3) substitute—
 - “(3) Where—

- (a) the cause is an undefended cause for divorce or judicial separation or nullity of marriage under section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the Act of 1973 and, in a case to which section 1(2)(d) of the Act of 1973 applies, the respondent has filed a notice under rule 2.10(1) that he consents to the grant of a decree, or
- (b) the cause is an undefended cause for dissolution or separation or nullity of civil partnership under section 50(1)(d) of the Act of 2004 and, in a case to which section 44(5)(b) of the Act of 2004 applies, the respondent has filed a notice under rule 2.10(1) that he consents to the grant of a civil partnership order,

then, unless otherwise directed, there shall be filed with the request for directions for trial an affidavit by the petitioner in accordance with the requirements set out in paragraph (3A), and the district judge shall give directions for trial by entering the cause in a list to be known as the special procedure list.

(3A) An affidavit filed under paragraph (3) must—

- (a) contain the information required by Form M7(a), (b), (c), (d), (e), (f) or (g) (whichever is appropriate) as near as may be in the order there set out, together with any corroborative evidence on which the petitioner intends to rely, and
 - (b) verify, with such amendments as the circumstances may require, the contents of any statement of arrangements filed by the petitioner under rule 2.2(2).”;
- (d) in paragraph (6), for “(3)(b)” substitute “(3A)(b)”; and
- (e) in paragraph (7), after “(3)” insert “, (3A)”.

24. In rule 2.26, in the heading, after “Act of 1973” insert “or section 44(5)(a) of Act of 2004”.

25. After rule 2.27 insert—

**“Stay under the Family Proceedings (Civil Partnership: Staying of Proceedings)
Rules 2005**

2.27AA.—(1) An application to the court by the petitioner or respondent in proceedings for a dissolution order for an order under rule 3 of the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules 2005(9) (in this rule referred to as the “Staying of Proceedings Rules”) shall be made to the district judge, who may determine the application or refer the application, or any question arising thereon, to a judge for his decision as if the application were an application for ancillary relief.

(2) An application for an order under rule 4 of the Staying of Proceedings Rules shall be made to a judge.

(3) Where, on giving directions for trial, it appears to the district judge from any information given pursuant to paragraph 1(j) of Appendix 2 or rule 2.15(4) or paragraph (5) of this rule that any proceedings which are in respect of the civil partnership in question or which are capable of affecting its validity or subsistence are continuing in any country outside England and Wales and he considers that the question whether the proceedings on the petition should be stayed under rule 4 of the Staying of Proceedings Rules ought to be determined by the court, he shall fix a date, time and place for the consideration of that question by a judge and give notice thereof to all parties.

(4) In paragraph (3), the reference to “proceedings continuing in any country outside England and Wales” has the same meaning as in paragraph 1(j) of Appendix 2.

(5) Any party who makes a request for directions for trial in civil partnership proceedings within the meaning of rule 1(2) of the Staying of Proceedings Rules shall, if there has been a change in the information given pursuant to paragraph 1(j) of Appendix 2 and rule 2.15(4), file a statement giving particulars of the change.

(6) An application by a party to the proceedings for an order under rule 5 of the Staying of Proceedings Rules may be made to the district judge, and he may determine the application or may refer the application, or any question arising thereon, to a judge as if the application were an application for ancillary relief.”

26. In rule 2.30—

(a) for paragraph (1) substitute—

“(1) A witness summons in a cause pending in a designated county court may be issued in that court or in the court of trial at which the cause is to be tried.”; and

(b) in paragraph (2), after “divorce town” insert “or a dissolution town”.

27. In rule 2.32—

(a) in paragraph (2), for “divorce county court” substitute “designated county court”;

(b) in paragraph (3), after “Any” insert “matrimonial”;

(c) after paragraph (3) insert—

“(3A) Any civil partnership cause begun by petition which is pending in the High Court may be tried at the Royal Courts of Justice or at any dissolution town.”;

(d) in paragraph (4), for “A” substitute “In a matrimonial cause, a”;

(e) after paragraph (4), insert—

“(4A) In a civil partnership cause, a judge or the district judge of the registry for the dissolution town at which any cause has been set down for trial may, where it appears to him that the cause cannot conveniently be tried at that town, order that it be tried at some other dissolution town and rule 10.10(4) and (5) shall apply to such an order as it applies to an order under paragraph (1) of that rule.”;

(f) in paragraph (5), for “divorce county court” substitute “designated county court”; and

(g) in paragraph (6)—

(i) after “the divorce town”, wherever it appears, insert “or the dissolution town”; and

(ii) after “a divorce town” insert “or a dissolution town”.

28. In rule 2.34(1), after “divorce town” insert “or the dissolution town”.

29. In rule 2.36—

(a) in paragraph (1) and (2), after “decree”, wherever it appears, insert “or civil partnership order, as the case may be,”;

(b) in paragraph (4), after “decree” insert “or civil partnership order”; and

(c) after paragraph (4) insert—

“(5) Paragraph (4) does not apply to a certificate which relates to—

(a) a decree of nullity of marriage under section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the Act of 1973, or

(b) an order for nullity of civil partnership under section 50(1)(d) of the Act of 2004, unless the court has given leave.”.

30. In rule 2.37(3)—

- (a) after “judicial separation” insert “or a conditional order of dissolution or an order of separation,”; and
 - (b) after “decree” insert “or civil partnership order, as the case may be,”.
- 31.** In rule 2.38(2), after “Act of 1973” insert “or under section 63(1) of the Act of 2004, as the case may be”.
- 32.** In rule 2.39—
- (a) in the heading, after “Act of 1973” insert “or section 63 of Act of 2004”;
 - (b) in paragraph (1), after “the Act of 1973” insert “or in section 63(1) of the Act of 2004, as the case may be,” ;
 - (c) in paragraph (2)—
 - (i) for sub-paragraph (a) substitute—
 - “(a) there are no children of the family to whom—
 - (i) in a matrimonial cause, section 41 of the Act of 1973 applies; or
 - (ii) in a civil partnership cause, section 63 of the Act of 2004 applies, or”;
 - (ii) in sub-paragraph (b), for “any direction under section 41(2) of the Act of 1973”, substitute “a relevant direction”;
 - (d) in paragraph (3), for “section 41(2) of the Act of 1973” substitute “his power to give a relevant direction”;
 - (e) in paragraph (4), for “direction under section 41(2) of the Act of 1973” substitute “relevant direction”; and
 - (f) for paragraph (5) substitute—
 - “(5) In this rule—
 - (a) “parties” means the petitioner, the respondent and any person who appears to the court to have the care of the child; and
 - (b) “relevant direction” means a direction—
 - (i) in a matrimonial cause, under section 41(2) of the Act of 1973, and
 - (ii) in a civil partnership cause, under section 63(2) of the Act of 2004.”.
- 33.** In rule 2.41, for “divorce county court”, wherever it appears, substitute “designated county court”.
- 34.** In rule 2.42—
- (a) in paragraph (1), for “divorce county court” substitute “designated county court”; and
 - (b) in paragraph (8)—
 - (i) after “marriage” insert “or a final order of dissolution or nullity of civil partnership”;
 - (ii) after “was founded” insert “or the conditional order on which the final order was founded, as the case may be,”; and
 - (c) in paragraph (10), after “decree” insert “or civil partnership order, as the case may be,”.
- 35.** In rule 2.43—
- (a) in paragraph (1)—
 - (i) for “every order made in open court” substitute “every civil partnership order, every other order made in open court”;

- (ii) in sub-paragraph (a), for “divorce county court” substitute “designated county court”; and
 - (iii) in sub-paragraph (c), after “divorce town” insert “or at a dissolution town”.
- (b) in paragraph (2)—
 - (i) after “decree” insert “or civil partnership order”; and
 - (ii) for “divorce county court” substitute “designated county court”.
- 36.** In rule 2.44—
 - (a) in the heading, after “decree” insert “or conditional order”; and
 - (b) for paragraph (1), substitute—
 - “(1) An application by a respondent—
 - (a) under section 10(1) of the Act of 1973 for the rescission of a decree of divorce, or
 - (b) under section 48(1) of the Act of 2004 for the rescission of a conditional order of dissolution,

shall be made to a judge and shall be heard in open court, save that where the decree or civil partnership order was pronounced by a district judge the application shall be made to a district judge.”.
- 37.** In rule 2.45—
 - (a) in the heading, after “Act of 1973” insert “or section 48(2) of Act of 2004”;
 - (b) in paragraph (1)—
 - (i) after “for divorce” insert “or dissolution”; and
 - (ii) for “the divorce” substitute “that divorce or dissolution”;
 - (c) in paragraph (5)—
 - (i) for “Where” substitute “In a matrimonial cause, where”; and
 - (ii) for “2.51B” substitute “2.51D”;
 - (d) after paragraph (5), insert—
 - “(5A) In a civil partnership cause, where the petitioner has relied on the fact of two or five years separation and the court has granted a conditional order without making any finding as to any other fact mentioned in section 44(5) of the Act of 2004, rules 2.51D to 2.70 and 10.10 shall apply as if the application were an application for ancillary relief and, unless the context otherwise requires, those rules shall be read as if all references to Form A were references to Form B.”;
 - (e) in paragraph (6), for “A” substitute “In a matrimonial cause, a”; and
 - (f) after paragraph (6) insert—
 - “(6A) In a civil partnership cause, a statement of any of the matters mentioned in section 48(4) of the Act of 2004 with respect to which the court is satisfied, or, where the court has proceeded under section 48(5) of that Act, a statement that the conditions for which that subsection provides have been fulfilled, shall be entered in the records of the court.”.
- 38.** In rule 2.46—
 - (a) for paragraph (1) substitute—
 - “(1) If the Queen’s Proctor wishes to show cause—
 - (a) against a decree nisi being made absolute, or

- (b) against a conditional order being made final,
he shall give notice to that effect to the court and to the party in whose favour it was pronounced.”;
 - (b) in paragraph (2)—
 - (i) after “the decree”, the first time it appears, insert “or civil partnership order, as the case may be,”; and
 - (ii) for “the decree”, the second time it appears, substitute “that decree or order”;
 - (c) in paragraph (5), after “decree” insert “or civil partnership order”; and
 - (d) in paragraph (6), after “decree nisi” insert “or the conditional order”.
- 39.** In rule 2.47—
- (a) for paragraph (1) substitute—

“(1) If any person other than the Queen’s Proctor wishes to show cause—

 - (a) under section 9 of the Act of 1973 against a decree nisi being made absolute, or
 - (b) under section 40 of the Act of 2004 against a conditional order being made final,he shall file an affidavit stating the facts on which he relies and a copy shall be served on the party in whose favour the decree or conditional order, as the case may be, was pronounced.”;
 - (b) in paragraph (6), after “decree nisi” insert “or the conditional order”; and
 - (c) in paragraph (7), after “decree” insert “or order”.
- 40.** In rule 2.48—
- (a) in the heading, after “decree nisi” insert “or conditional order”;
 - (b) for paragraph (1) substitute—

“(1) Where a reconciliation has been effected between the petitioner and the respondent—

 - (a) in a matrimonial cause—
 - (i) after a decree nisi has been pronounced but before it has been made absolute, or
 - (ii) after a decree of judicial separation has been pronounced; and
 - (b) in a civil partnership cause—
 - (i) after a conditional order has been made but before it has been made final,
or
 - (ii) after a separation order has been made,
either party may apply for an order rescinding that decree or order by consent.”;and
 - (c) in paragraph (2)—
 - (i) for “divorce county court” substitute “designated county court”;
 - (ii) after “spouse” insert “or civil partner, as the case may be,”; and
 - (iii) after “decree” insert “or civil partnership order”.
- 41.** In rule 2.49—
- (a) in the heading, after “Decree absolute” insert “or final order”;
 - (b) for paragraph (1) substitute—

- “(1) Subject to rule 2.50(1) an application by—
- (a) a spouse to make absolute a decree nisi pronounced in his favour, or
 - (b) a civil partner to make final a conditional order made in his favour,
- may be made by lodging with the court a notice in Form M8.”;
- (c) in paragraph (2)—
- (i) in sub-paragraphs (a) and (b), after “decree”, wherever it appears insert “or the conditional order”;
 - (ii) in sub-paragraph (e), at the beginning of the sub-paragraph, insert “if the cause is a matrimonial cause,”
 - (iii) after sub-paragraph (e), insert—
 - “(ea) if the cause is a civil partnership cause, that the court has complied with section 63(1) of the Act of 2004 and has not given any direction under section 63(2);”;
 - (iv) in sub-paragraph (f), after “decree” insert “or the conditional order, as the case may be”;
 - (v) in sub-paragraph (g), at the beginning of the sub-paragraph insert “if the cause is a matrimonial cause,”;
 - (vi) after sub-paragraph (g) insert—
 - “(ga) if the cause is a civil partnership cause, that the provisions of section 48(2) to (5) of the Act of 2004 do not apply or have been complied with;”;
 - (vii) in sub-paragraph (i), after “the Act of 1973” insert “or the conditional order was made on the ground in section 50(1)(d) of the Act of 2004, as the case may be”;
 - (viii) after “the district judge shall make the decree absolute” insert “the district judge shall make the decree absolute or the conditional order final”;
 - (ix) in the part of paragraph (2) which begins “Provided that”, after “decree nisi”, wherever it appears, insert “or the conditional order”;
 - (x) after “(c)”, the second time it appears, insert “if the cause is a matrimonial cause,”; and
 - (xi) at the end of paragraph (c), insert—
 - “or
 - (d) if the cause is a civil partnership cause, stating whether either of the civil partners has, or whether the applicant has reason to believe that the respondent has, given birth to any child since the conditional order and, if so, stating the relevant facts and whether or not it is alleged that the child is or may be a child of the family;”.

42. In rule 2.50—

- (a) in the heading, after “Decree absolute” insert “or final order”;
- (b) in paragraph (1)—
 - (i) after “decree nisi to be made absolute” insert “or a conditional order to be made final”;
 - (ii) in sub-paragraph (a), at the beginning of the sub-paragraph, insert “in a matrimonial cause,”;
 - (iii) after sub-paragraph (a) insert—

- “(aa) in a civil partnership cause, where the Queen’s Proctor gives to the court and to the party in whose favour the conditional order was made a notice that he requires more time to decide whether to show cause against the conditional order being made final and the notice has not been withdrawn, or”;
 - (iv) in sub-paragraph (b), after “made absolute” insert “or the conditional order is made final”;
 - (v) for “divorce county court” substitute “designated county court”; and
 - (vi) after “sub-paragraph (a)”, insert “or (aa)”;
- (c) for paragraph (2) substitute—
- “(2) An application—
 - (a) by a spouse for a decree nisi pronounced against him to be made absolute may be made to a judge or the district judge, and the summons by which the application is made (or, where the cause is pending in a divorce county court, notice of the application) shall be served on the other spouse not less than four clear days before the day on which the application is heard, or
 - (b) by a civil partner for a conditional order pronounced against him to be made final may be made to a judge or the district judge, and the summons by which the application is made (or, where the cause is pending in a civil partnership proceedings county court, notice of the application) shall be served on the other civil partner not less than four clear days before the day on which the application is heard.”.

43. After rule 2.51, insert—

“Indorsement and certificate of final order

2.51A.—(1) Where a conditional order is made final, the proper officer shall make an indorsement to that effect on the order, stating the precise time at which it was made final.

(2) On a conditional order being made final, the proper officer shall send to the petitioner and respondent a copy of the order in Form M9A or M10A whichever is appropriate making the conditional order final, authenticated by the seal of the civil partnership proceedings county court or registry from which it is issued.

(3) A central index of final orders shall be kept under the control of the principal registry and any person shall be entitled to require a search to be made of that index, and to be furnished with a certificate of the result of the search, on payment of the prescribed fee.

(4) A certificate in Form M9A or M10A that a conditional order has been made final shall be issued to any person requiring it on payment of the prescribed fee.”.

44.—(1) Renumber rule 2.51A as rule 2.51B.

(2) in paragraph (1), substitute—

- “(1) The procedures set out in rules 2.51D to 2.70 (“the ancillary relief rules”) apply to—
- (a) any ancillary relief application,
- (b) any application under section 10(2) of the Act of 1973, and
- (c) any application under section 48(2) of the Act of 2004.”.

45. Renumber rule 2.51AA as rule 2.51C.

46. Renumber rule 2.51B as rule 2.51D.

- 47.** In rule 2.53, after paragraph (1)(a) insert—
- “(aa) an order for maintenance pending outcome of proceedings.”
- 48.** In rule 2.54(1)(d), for “section 30(1)(a)” substitute “section 31(1)(a)”.
- 49.** In rule 2.57(1), for “divorce county court” substitute “designated county court”.
- 50.** In rule 2.61(1)—
- (a) after “the Act of 1973” insert “, or Parts 1, 2 and 3 of Schedule 5 to the Act of 2004,”;
- (b) in sub-paragraph (a), after “marriage” insert “or civil partnership, as the case may be”;
- (c) for sub-paragraph (d) substitute—
- “(d) whether either party has subsequently married or formed a civil partnership or has any present intention to do so or to cohabit with another person;”; and
- (d) in sub-paragraph (dd), after “the Act of 1973” insert “or under paragraphs 15, 25 or 26 of Schedule 5 to the Act of 2004”.
- 51.** In rule 2.61A—
- (a) in paragraph (2), for “divorce county court” substitute “designated county court,”; and
- (b) in paragraph (3), after “the Act of 1973” insert “or under paragraphs 15, 25 or 26 of Schedule 5 to the Act of 2004”.
- 52.** In rule 2.61D(2)(f), for paragraph (f)(iii) substitute—
- “(iii) in a matrimonial cause, in a case where an order for ancillary relief is requested that includes provision to be made under section 24B, 25B or 25C of the Act 1973, direct any party with pension rights to file and serve a Pension Inquiry Form (Form P), completed in full or in part as the court may direct;
- (iv) in a civil partnership cause, in a case where an order for ancillary relief is requested that includes provision to be made under paragraphs 15, 25 or 26 of Schedule 5 to the Act of 2004, direct any civil partner with pension rights to file and serve a Pension Inquiry Form (Form P), completed in full or in part as the court may direct.”.
- 53.** In rule 2.66—
- (a) in paragraph (3), for “Where” substitute “In a matrimonial cause, where”; and
- (b) after paragraph (3) insert—
- “(3A) In a civil partnership cause, where an application is proceeding in a civil partnership proceedings county court which is not a court of trial or pending in the High Court and proceeding in a district registry which is not in a dissolution town, the hearing or consideration shall take place at such court of trial or dissolution town as in the opinion of the district judge is the nearest or most convenient.
- For the purposes of this paragraph the Royal Courts of Justice shall be treated as a dissolution town.”.
- 54.** In rule 2.67—
- (a) in the heading, after “maintenance pending suit” insert “or outcome of proceedings”;
- (b) in paragraph (1)—
- (i) after “nullity of marriage” insert “or a conditional order of dissolution or nullity of civil partnership”;
- (ii) after “maintenance pending suit”, the first time it appears, insert “or outcome of proceedings, as the case may be,”; and

- (iii) after “maintenance pending suit”, the second time it appears, insert “or outcome of proceedings”;
 - (c) in paragraph (2), after “spouse” insert “or civil partner, as the case may be,” and
 - (d) in paragraph (3)—
 - (i) after “spouse”, the first and second time it appears, insert “or civil partner”, and
 - (ii) after “spouse”, the third time it appears, insert “or civil partner, as the case may be”.
- 55.** In rule 2.68—
- (a) in the heading, after “Act of 1973” insert “or paragraph 74(2) of Schedule 5 to Act of 2004”; and
 - (b) in paragraph (1), after “Act of 1973” insert “or paragraph 74(2) of Schedule 5 to the Act of 2004”.
- 56.** In rule 2.69F(1), after “maintenance pending suit” insert “or outcome of proceedings, as the case may be”.
- 57.** In rule 2.70—
- (a) for paragraph (2) substitute—
 - “(2) When the court fixes a first appointment as required by rule 2.61A(4)(a),
 - (a) in a matrimonial cause, the party with pension rights, and
 - (b) in a civil partnership cause, the civil partner with pension rights,shall within seven days after receiving notification of the date of that appointment, request the person responsible for each pension arrangement under which he has or is likely to have benefits to furnish the information referred to in regulation 2(2) of the Pensions on Divorce etc (Provision of Information) Regulations 2000.”;
 - (b) in paragraph (3)—
 - (i) after “party with pension rights” insert “ or civil partner with pension rights, as the case may be,”; and
 - (ii) after “other party” insert “or civil partner”;
 - (c) in paragraph (4), after “party with pension rights” insert “or the civil partner with pension rights”;
 - (d) in paragraph (6)—
 - (i) for “including provision to be made under section 24B (pension sharing) of the Act of 1973” substitute “which includes a request for a pension sharing order”; and
 - (ii) for “such provision” substitute “such an order”;
 - (e) in paragraph (7)—
 - (i) for “including provision to be made under section 25B or 25C (pension attachment) of the Act of 1973, or upon adding a request for such provision to an existing application” substitute “which includes an application for a pension attachment order, or upon adding a request for such an order to an existing application”; and
 - (ii) after “the Divorce etc (Pensions) Regulations 2000” insert “or the Dissolution etc (Pensions) Regulations 2005(10), as the case may be,”;
 - (f) in paragraph (8)—

- (i) for “the applicant”, the first time it appears, substitute “the party or civil partner with the pension rights, as the case may be,”;
- (ii) for “the applicant”, the second time it appears, substitute “that party or civil partner”;
- and
- (iii) for “a copy of section 2.16 of the statement in Form E supporting his application” substitute “a copy of section 2.13 of his Form E”;
- (g) in paragraph (9), for “2.16” substitute “2.13”;
- (h) in paragraph (11), for “including provision under section 25B or 25C (pension attachment) of the Act of 1973” substitute “and the agreement includes a pension attachment order”;
- (i) in paragraph (13)—
 - (i) for “including provision under section 24B (pension sharing), 25B or 25C (pension attachment) of the Act of 1973” substitute “which includes a pension sharing order or a pension attachment order”; and
 - (ii) in sub-paragraph (b), for “be accompanied by an annex containing the information set out in paragraph (14) or (15)” substitute “be accompanied by an annex in Form P1 (Pension Sharing annex) or Form P2 (Pension Attachment annex)”;
- (j) omit paragraphs (14) and (15);
- (k) in paragraph (16)—
 - (i) for “an order including provision under section 24B (pension sharing), 25B or 25C (pension attachment) of the Act of 1973” substitute “a pension sharing order or a pension attachment order”;
 - (ii) after “send” insert “, or direct one of the parties to send,”;
 - (iii) for sub-paragraph (a) substitute—
 - “(a) a copy of—
 - (i) in a matrimonial cause, the decree of divorce, nullity of marriage or judicial separation; or
 - (ii) in a civil partnership cause, the conditional order of dissolution, nullity of civil partnership or the order of separation;”;
 - (iv) for sub-paragraph (b) substitute—
 - “(b) in the case of—
 - (i) divorce or nullity of marriage, a copy of the certificate under rule 2.51 that the decree has been made absolute; or
 - (ii) dissolution or nullity of civil partnership, a copy of the order making the conditional order final under rule 2.51A; and”;
- (l) for paragraph (17), substitute—
 - “(17) The documents referred to in paragraph (16) shall be sent—
 - (a) in a matrimonial cause, within 7 days after—
 - (i) the making of the relevant pension sharing or pension attachment order; or
 - (ii) the decree absolute of divorce or nullity or decree of judicial separation, whichever is the later; and
 - (b) in a civil partnership cause, within 7 days after—
 - (i) the making of the relevant pension sharing or pension attachment order; or
 - (ii) the final order of dissolution or nullity or order of separation,

whichever is the later.”; and

(m) in paragraph (18)(a)—

(i) at the beginning of sub-paragraph (a), insert “in a matrimonial cause,”;

(ii) after sub-paragraph (a) insert—

“(ab) in a civil partnership cause, all words and phrases defined in paragraphs 16(4) to (5) and 29 of Schedule 5 to the Act of 2004 have the meanings assigned by those paragraphs;” and

(iii) after paragraph (b), insert—

“(c) “pension sharing order” means—

(i) in a matrimonial cause, an order making provision under section 24B of the Act of 1973; and

(ii) in a civil partnership cause, an order making provision under paragraph 15 of Schedule 5 to the Act of 2004; and

(d) “pension attachment order” means—

(i) in a matrimonial cause, an order making provision under section 25B or 25C of the Act of 1973; and

(ii) in a civil partnership cause, an order making provision under paragraph 25 and paragraph 26 of Schedule 5 to the Act of 2004.”.

58. In rule 3.1—

(a) in paragraph (1), after “the Act of 1973” insert “or under Part 9 of Schedule 5 to the Act of 2004”;

(b) for paragraph (2) substitute—

“(2) The application may be made

(a) in the case of an application under the Act of 1973, to any divorce county court, and

(b) in the case of an application under the Act of 2004, to any civil partnership proceedings county court,

and there shall be filed with the application an affidavit by the applicant and also a copy of the application and of the affidavit for service on the respondent.”;

(c) in paragraph (3)(a), after “marriage” insert “or the civil partnership, as the case may be”;

(d) in paragraph (7), for “rule 2.60” substitute “sub-paragraphs (4) to (7) of paragraph 4 of Appendix 4”; and

(e) for paragraph (10) substitute—

“(10) The following provisions shall apply to applications under section 27 of the Act of 1973 and Part 9 of Schedule 5 to the Act of 2004—

(a) rule 10.10 with such modifications as may be appropriate and as if the application were an application for ancillary relief; and

(b) paragraphs 5 to 9 of Appendix 4;”.

59. In rule 3.2—

(a) in paragraph (1), after “the Act of 1973” insert “or under paragraph 69 of Schedule 5 to the Act of 2004”; and

(b) for paragraph (2) substitute—

“(2) The application may be made—

- (a) in the case of an application under the Act of 1973, to any divorce county court, and
 - (b) in the case of an application under the Act of 2004, to any civil partnership proceedings county court,
- and may be heard and determined by the district judge.”.

60. In rule 3.3—

- (a) in paragraph (1), after “the Act of 1973” insert “or under paragraph 73 of Schedule 5 to the Act of 2004”; and
- (b) in paragraph (2)—
 - (i) for sub-paragraph (b), substitute—
 - “(b) the place and date of the marriage between the parties to the agreement, or the place at and date on which they formed their civil partnership, as the case may be;” and
 - (ii) in sub-paragraph (d), after “marriage” insert “or civil partnership, as the case may be;”.

61. In rule 3.5—

- (a) in the heading, at the end insert “or under paragraph 69 or 73 of Schedule 5 to Act of 2004”;
- (b) for paragraph (1) substitute—
 - “(1) The following provisions shall apply to an application under section 35 or 36 of the Act of 1973 or under paragraph 69 or 73 of Schedule 5 to the Act of 2004—
 - (a) in the case of an application under either section or paragraph—
 - (i) rule 10.10 with such modifications as may be appropriate and as if the application were an application for ancillary relief; and
 - (ii) paragraphs 4, 7 and 8 of Appendix 4, and
 - (b) in the case of an application under section 35 or paragraph 69, paragraph 9 of Appendix 4; and
 - (c) in the case of an application under section 36 or paragraph 73, paragraph 9(5) to (7) of Appendix 4.”; and
 - (c) in paragraph (2) for “section 35 or section 36 (as the case may be) of the Act of 1973” substitute “section 35 or section 36 of the Act of 1973 or paragraph 69 or paragraph 73 of Schedule 5 to the Act of 2004, as the case may be”.

62. In rule 3.6—

- (a) in the heading, at the end insert “or section 66 of Act of 2004”;
- (b) in paragraph (1)—
 - (i) omit the words in brackets; and
 - (ii) after “1882” insert “or under section 66 of the Act of 2004”;
- (c) for paragraph (2) substitute—
 - “(2) An order—
 - (a) in a matrimonial cause, under section 17, and
 - (b) in a civil partnership cause, under section 66,
 may be made in any ancillary relief proceedings upon the application of any party thereto by notice of application or summons.”;

- (d) in paragraph (3)—
 - (i) after “section 17” insert “or section 66”;
 - (ii) in sub-paragraph (a), after “sub-paragraph (b)” insert “and (c)”;
 - (iii) for sub-paragraph (b) substitute—
 - “(b) in the case of an application under section 17, in the divorce county court in which any pending matrimonial cause has been commenced by or on behalf of either the applicant or the respondent or in which any matrimonial cause is intended to be commenced by the applicant, and
 - (c) in the case of an application under section 66, in the civil partnership proceedings county court in which any pending civil partnership cause has been commenced by or on behalf of either the applicant or the respondent or in which any civil partnership cause is intended to be commenced by the applicant.”;
 - (e) in paragraphs (9) and (11), after “section 17”, each time it appears, insert “or under section 66”;
 - (f) for paragraph (10) substitute—

“(10) Paragraphs (7) and (9) of Appendix 4 shall apply to an application under section 17 or under section 66.”; and
 - (g) after paragraph (11) insert—

“(12) In this rule and in rule 3.7—

 - (a) a reference to section 17 is to section 17 of the Married Women’s Property Act 1882; and
 - (b) a reference to section 66 is to section 66 of the Act of 2004.”.
- 63.** In rule 3.7—
- (a) in the title, at the end insert “or under section 66 of Act of 2004”;
 - (b) in paragraph (1), after “nullity” insert “of marriage”;
 - (c) after paragraph (1) insert—

“(1A) Where any proceedings for dissolution, nullity of civil partnership or separation which are either pending in the principal registry, or are intended to be commenced there by the applicant are or will be treated as pending in a civil partnership proceedings county court, an application under section 66 by one of the parties to the civil partnership may be made to the principal registry as if it were a county court.”;
 - (d) in paragraph (2), after “paragraph (1)” insert “or (1A)”;
 - (e) in paragraph (3), after “Rule 1.4(1)” insert “(a)”;
 - (f) after paragraph (3) insert—

“(4) Rule 1.4(1)(b) shall apply, with necessary modifications, to proceedings in, or intended to be commenced in, the principal registry under paragraph (1A) of this rule as it applies to civil partnership proceedings.”.
- 64.** In rule 3.8—
- (a) in paragraph (12), for “or spouse” substitute “, spouse or civil partner”;
 - (b) in paragraph (13)—
 - (i) for “Rules 2.62(4) to (6) and 2.63 (investigation, requests for further information) shall apply, with necessary modifications,” substitute “Paragraph 7 of Appendix 4 shall apply”; and

- (ii) omit “, as they apply to an application for ancillary relief”; and
 - (c) in paragraph (14), omit the words in brackets.
65. In rule 3.12(1)(d), after “matrimonial” insert “or civil partnership”.
66. After rule 3.12 insert—

“Application under section 58 of Act of 2004 for declaration as to civil partnership status

3.12A.—(1) Unless the court otherwise directs, a petition by which proceedings are begun under section 58 of the Act of 2004 for a declaration as to civil partnership status must state—

- (a) the names of each party to the civil partnership to which the application relates and the residential address of each of them at the date of the presentation of the petition;
 - (b) the place at, and the date on which, the civil partnership was formed;
 - (c) the grounds on which the application is made and all other material facts alleged by the petitioner to justify the making of the declaration;
 - (d) whether there have been or are continuing any proceedings in any court, tribunal or authority in England and Wales or elsewhere between the parties which relate to, or are capable of affecting, the validity or subsistence of the civil partnership, dissolution, annulment or legal separation to which the application relates, or which relate to the civil partnership or matrimonial status of either of the parties;
 - (e) in relation to any proceedings to which paragraph (d) applies—
 - (i) the nature, and either the outcome or present state of those proceedings,
 - (ii) the court, tribunal or authority before which they were begun,
 - (iii) the date when they were begun,
 - (iv) the names of the parties to them,
 - (v) the date or expected date of the trial,
 - (vi) any other facts relevant to the question whether the petition should be stayed under the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules 2005;
 - (f) where it is alleged that the court has jurisdiction based on domicile, which of the parties to the civil partnership to which the application relates—
 - (i) is domiciled in England and Wales on the date of the presentation of the petition, or
 - (ii) died before that date and was at death domiciled in England and Wales;
 - (g) where it is alleged that the court has jurisdiction based on habitual residence, which of the parties to the civil partnership to which the application relates—
 - (i) has been habitually resident in England and Wales, or
 - (ii) died before that date and had been habitually resident in England and Wales throughout the period of one year ending with the date of death;
 - (h) where the petitioner was not a party to the civil partnership to which the application relates, particulars of his interest in the determination of the application.
- (2) Proceedings to which paragraph (1)(d) applies—

- (a) include any proceedings instituted otherwise than in a court of law in any country outside England and Wales, if they are instituted before a tribunal or other authority having power under the law having effect there to determine questions of status, and

- (b) are treated as continuing if they have begun and have not been finally disposed of.

(3) Where the proceedings are for a declaration that the validity of a dissolution, annulment or legal separation obtained in any country outside England or Wales in respect of the civil partnership either is or is not entitled to recognition in England and Wales, the petition must in addition state the date and place of the dissolution, annulment or legal separation.

(4) There must be annexed to the petition a copy of the certificate of any civil partnership, or, as the case may be, a certified copy of any order for dissolution, annulment or legal separation, to which the application relates.

(5) Where a document produced by virtue of paragraph (4) is not in English it must, unless otherwise directed, be accompanied by a translation certified by a notary public or authenticated by affidavit.

(6) The parties to the civil partnership in respect of which a declaration is sought shall be the petitioner and respondent respectively to the application, unless a third party is applying for a declaration, in which case he shall be the petitioner and the parties to the civil partnership shall be the respondents.”.

67. In rule 3.13—

- (a) in paragraph (1)(c)(iii), for “father or mother” substitute “parent”; and
- (b) in paragraph (3)(ii), for “mother or father” substitute “parent”.

68. In rule 3.15(4)(a), after “Adoption Act 1976” insert “or section 67 of the Adoption and Children Act 2002”.

69. In rule 3.16—

- (a) in paragraph (1) and (12), after “3.12” insert “, 3.12A”; and
- (b) for paragraph (11) substitute—

“(11) Declarations made in accordance with—

- (a) section 55, section 55A and section 56(1)(b) and (2) of the Act of 1986 shall be in the forms prescribed respectively in Forms M29, M30 and M31; and
- (b) section 58 of the Act of 2004 shall be the form prescribed in Form M29A.”.

70. In rule 3.17—

- (a) in the heading, at the end insert “or under paragraph 4 of Schedule 7 to Act of 2004”;
- (b) in paragraph (1)—
 - (i) for “under Part III of the Act of 1984” substitute “to which this rule applies”; and
 - (ii) omit the words after “applicant” to the end of the paragraph;
- (c) after paragraph (1), insert—

“(1A) The affidavit in support shall state the facts relied on in support of the application with particular reference—

 - (a) in the case of an application under the Act of 1984, to the matters set out in section 16(2) of that Act, and
 - (b) in the case of an application under the Act of 2004, to the matters set out in paragraph 8(3) of Schedule 7 to that Act.”; and

- (d) in paragraph (2)—
 - (i) after “by means of which the marriage” insert “or civil partnership, as the case may be.”;
 - (ii) after “marriage”, the second time it appears, insert “or civil partnership”;
 - (iii) for sub-paragraph (a) substitute—
 - “(a) in the case of an application under the Act of 1984, the names of the parties to the marriage and the date and place of the marriage;
 - (ab) in the case of an application under the Act of 2004, the names of the parties to the civil partnership and the date on, and place at which it was formed.”
 - (iv) in sub-paragraph (b), after “to the marriage” insert “or civil partnership, as the case may be”;
 - (v) for sub-paragraph (d) substitute—
 - “(d) whether either party to the marriage or civil partnership has subsequently married or formed a civil partnership.”;
 - (vi) in sub-paragraph (f), for “under Part III of the Act of 1984.” substitute “.”; and
 - (vii) after sub-paragraph (f) insert—
 - “(g) this rule and rule 3.18 apply to an application for financial relief under—
 - (i) Part III of the Act of 1984; and
 - (ii) Schedule 7 to the Act of 2004.”.

71. In rule 3.18—

- (a) in the heading, at the end insert “or under Schedule 7 to Act of 2004”;
- (b) in paragraph (1), for “under Part III of the Act of 1984” substitute “to which this rule applies”;
- (c) in paragraph (2), after “M6” insert “and M6A”;
- (d) for paragraph (3) substitute—
 - “(3) Rule 2.70 and paragraphs 2, 3, 5, 7 (4) to (6) and 9(6) and (7) of Appendix 4 shall apply to an application for an order for financial relief under this rule and the court may order the attendance of any person for the purpose of being examined or cross-examined and the discovery and production of any document.”;
- (e) in paragraph (4)—
 - (i) omit “under section 14”;
 - (ii) omit “under section 23 of the Act of 1984”; and
 - (iii) for “an order under section 23” substitute “an avoidance of transaction order”;
- (f) in paragraph (6), for “rule 2.59 shall apply” to the end of the paragraph substitute “paragraph 3 of Appendix 4 shall apply to such an application.”;
- (g) in paragraph (7), after “the Act of 1984” insert “or under paragraph 13 of Schedule 7 to the Act of 2004”;
- (h) in paragraph (8), omit “under Part III of the Act of 1984”; and
- (i) after paragraph (8) insert—
 - “(9) In this rule—
 - (a) “avoidance of transaction order” means—

- (i) in relation to an application under the Act of 1984, an application under section 23 of that Act, and
 - (ii) in relation to an application under the Act of 2004, an application under paragraph 15 of Schedule 7 to that Act; and
 - (b) “interim order for maintenance” means—
 - (i) in relation to an application under the Act of 1984, an order under section 14 of that Act, and
 - (ii) in relation to an application under the Act of 2004, an order under paragraph 5 of Schedule 7 to that Act.”
- 72.** In rule 3.19—
- (a) in the heading, after “Act of 1984” insert “or under paragraph 17 of Schedule 7 to Act of 2004”;
 - (b) in paragraph (1), after “the Act of 1984” insert “or under paragraph 17 of Schedule 7 to the Act of 2004”;
 - (c) in paragraph (2), after “M6” insert “and M6A”; and
 - (d) for paragraph (5) substitute—

“(5) Paragraph 9 of Appendix 4 (except sub-paragraphs (5), (8), (9) and (10)) shall apply to an application to which this rule applies.”.
- 73.** After rule 3.20 insert—

“Consent to registration of civil partnership of child

3.20A.—(1) An application under paragraph 3, 4 or 10 of Schedule 2 to the Act of 2004 for the consent of the court to a child registering as the civil partner of another shall be dealt with in chambers unless the court otherwise directs.

(2) The application may be heard and determined by a district judge.

(3) The application may be brought without the intervention of the applicant’s next friend, unless the court otherwise directs.

(4) Where an application to which this rule relates follows a refusal to give consent to the child registering as the civil partner of another person, every person who has refused consent shall be made a defendant to the summons or a respondent to the application, as the case may be.

(5) The application shall, unless the court orders otherwise, be served not less than seven days before the date upon which the application is to be heard.”.

- 74.** In rule 3.24(4)—
- (a) after “nullity” insert “of marriage”; and
 - (b) after “the Act of 1973” insert “or for an order for nullity of civil partnership under section 50(1)(d) of the Act of 2004”.
- 75.** In rule 4.1—
- (a) in paragraph (1), after the definition of “recovery order” insert—

““special guardianship order” has the meaning assigned to it by section 14A;”; and
 - (b) in paragraph (2)(c)—
 - (i) after “4(3),” insert “4A(1)(b), 4A(3),”; and
 - (ii) after “13(1),” insert “14A, 14C(3), 14D,”.

76. In rule 4.3(2), after “person making the request”, wherever it appears, insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.

77. In rule 4.5(4)(a)(iii) and (b), after “parties,” insert “any local authority that is preparing, or has prepared, a report under section 14A(8) or (9).”

78. In rule 4.6(3)(a) and (b), (4)(c), and (5), after “parties” insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.

79. In rule 4.7(3)—

- (a) in sub-paragraphs (a) and (b)(ii), after “parties” insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”; and
- (b) in sub-paragraph (b)(i), after “applicant” insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.

80. In rule 4.9—

- (a) in paragraph (1), after “section 8 order” insert “, a special guardianship order”; and
- (b) in paragraph (3), after “section 8 order” insert “or special guardianship order”.

81. In rule 4.11A(7)(b), after “parties” insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.

82. In rules 4.11B(2)(b)(ii) and 4.13(1), after “parties” insert “, any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.

83. In rule 4.14—

- (a) for paragraph (1), substitute—
 - “(1) In this rule, “party” includes the children’s guardian and, where a request or direction concerns a report under—
 - (a) section 7, the welfare officer or children and family reporter; or
 - (b) section 14A(8) or (9), the local authority preparing that report.”;
- (b) for paragraph (2)(i), substitute—
 - “(i) consolidation with other proceedings;
 - (j) the preparation of reports under section 14A(8) or (9);
 - (k) the attendance of the person who prepared the report under section 14A(8) or (9) at any hearing at which the report is to be considered.”; and
- (c) in paragraph (8), after “under section” insert “14A, 14D”.

84. In rule 4.15(2)(c)(ii), after “parties,” insert “any local authority that is preparing, or has prepared, a report under section 14A(8) or (9).”.

85. In rule 4.17—

- (a) in paragraph (1), after “parties,” insert “any local authority that is preparing, or has prepared, a report under section 14A(8) or (9).”; and
- (b) in paragraphs (4) and (5), after “section 8 order” insert “or a special guardianship order”.

86. After rule 4.17, insert—

“Disclosure of report under section 14A(8) or (9)

4.17A.—(1) In proceedings for a special guardianship order, the local authority shall file the report under section 14A(8) or (9) within the timetable fixed by the court.

(2) The court shall consider whether to give a direction that the report under section 14A(8) or (9) be disclosed to each party to the proceedings.

(3) Before giving such a direction the court shall consider whether any information should be deleted including information which reveals the party's address in a case where he has declined to reveal it in accordance with rule 10.21 (disclosure of addresses).

(4) The court may direct that the report will not be disclosed to a party.

(5) The proper officer shall serve a copy of the report filed under paragraph (1)—

(i) in accordance with any direction given under paragraph (2); and

(ii) on any children's guardian, welfare officer or children and family reporter.”.

87. In rule 4.21—

(a) after paragraph (2), insert—

“(2A) At the hearing at which the report under section 14A(8) or (9) is considered a party to whom the report, or part of it, has been disclosed may question the person who prepared the report about it.”; and

(b) in paragraph (6), after “living” insert “, and where applicable, on the local authority that prepared the report under section 14A(8) or (9)”.

88. For rule 4.21A, substitute—

“Attachment of penal notice

4.21A. CCR Order 29, rule 1 (committal for breach of order or undertaking) shall apply to section 8 orders and orders under section 14A, 14B(2)(b), 14C(3)(b), or 14D as if for paragraph (3) of that rule there were substituted the following—

“(3) In the case of a section 8 order (within the meaning of section 8(2) of the Children Act 1989⁽¹¹⁾) or an order under section 14A, 14B(2)(b), 14C(3)(b), or 14D of the Children Act 1989 enforceable by committal order under paragraph (1), the judge or the district judge may, on the application of the person entitled to enforce the order, direct that the proper officer issue a copy of the order, endorsed with or incorporating a notice as to the consequences of disobedience, for service in accordance with paragraph (2); and no copy of the order shall be issued with any such notice endorsed or incorporated save in accordance with such a direction.”.

89. In rule 4.22(2), after “children's guardian” insert “and where applicable, on the local authority that prepared a report under section 14A(8) or (9)”.

90. In rule 5.4(1)(b), after “proceedings to” insert “place or”.

91. In rule 7.1—

(a) in paragraph (2), after “the Act of 1973” insert “or an order under Part 9 of Schedule 5 to the Act of 2004”;

(b) in paragraph (3), for “divorce county court” substitute “designated county court”;

(c) in paragraph (4), for “divorce county court” substitute “designated county court,”; and

(d) for paragraph (5), substitute—

“(5) Where—

(a) an application under CCR Order 25, rule 3 (which deals with the oral examination of a judgment debtor) relates to an order made by a divorce county

(11) 1989 c. 41. Sections 14A to 14G were inserted by section 115 of the Adoption and Children Act 2002 (c. 38).

court, the application shall be made to such divorce county court as in the opinion of the applicant is nearest to the place where the debtor resides, or carries on business,

- (b) an application under CCR Order 25, rule 3 (which deals with the oral examination of a judgment debtor) relates to an order made by a civil partnership proceedings county court, the application shall be made to such civil partnership proceedings county court as in the opinion of the applicant is nearest to the place where the debtor resides, or carries on business, and
- (c) in either case, paragraph (2) of rule 3 shall not apply.

(6) In a case to which paragraph (5) relates there shall be filed the affidavit required by paragraph (1) of this rule and, except where the application is made to the court in which the order sought to be enforced was made, a copy of the order shall be exhibited to the affidavit.”

92. In rule 7.2(3), for “divorce county court” substitute “designated county court”.

93. In rule 7.3(1), for “divorce county court” substitute “designated county court”.

94. In rule 7.4—

- (a) for paragraph (2) substitute—

“(2) An application for the issue of a judgment summons may be made—

- (a) in the case of an order of the High Court—

- (i) where the order was made in a matrimonial cause, to the principal registry, a district registry or a divorce county court, whichever in the opinion of the judgment creditor is most convenient,
- (ii) where the order was made in a civil partnership cause, to the principal registry, a district registry or a civil partnership proceedings county court, whichever in the opinion of the judgment creditor is most convenient, and

- (iii) in any other case, to the principal registry, a district registry or a designated county court, whichever in the opinion of the judgment creditor is most convenient,

- (b) in the case of an order of a divorce county court, to whichever divorce county court is in the opinion of the judgment creditor most convenient, and

- (c) in the case of an order of a civil partnership proceedings county court, to whichever civil partnership proceedings county court is in the opinion of the judgment creditor most convenient,

having regard (in any case) to the place where the debtor resides or carries on business and irrespective of the court or registry in which the order was made.”;

- (b) in paragraph (3), for “divorce county court” substitute “designated county court”;
- (c) in paragraph (6), for “divorce county court” substitute “designated county court”;
- (d) in paragraph (9)(b), after “maintenance pending suit” insert “or outcome of proceedings,”; and
- (e) in paragraph (12)(b), for “divorce county court” substitute “designated county court”.

95. In rule 7.6—

- (a) in the heading, for “divorce county courts” substitute “designated county courts”; and
- (b) in paragraph (1), for “divorce county court” substitute “designated county court”.

96. For rule 7.40, substitute—

“7.40. In this chapter—

- (a) “judgment” is to be construed in accordance with the definition in Article 2(4) of the Council Regulation(**12**), or where the Jurisdiction and Recognition of Judgments Regulations apply, in accordance with regulation 6 of those Regulations; and
- (b) “the Jurisdiction and Recognition of Judgments Regulations” means the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005(**13**).”.

97. In rule 7.41, after “Council Regulation” insert “or the Jurisdiction and Recognition of Judgments Regulations”.

98. In rule 7.48—

- (a) in the heading, after “recognition” insert “or non-recognition”;
- (b) in paragraph (1), after “Council Regulation” insert “or regulations 7 or 8 of the Jurisdiction and Recognition of Judgments Regulations, as the case may be,”;
- (c) in paragraph (2), after “of a judgment” insert “under the Council Regulation”; and
- (d) after paragraph (2) insert—

“(3) Where it is sought to apply for recognition or non-recognition of a judgment under the Jurisdiction and Recognition of Judgments Regulations, the rules of this chapter shall apply to such application as they apply to an application for registration under Article 28(2) of the Council Regulation, with the following modifications—

- (a) substitute paragraph (1)(a) of rule 7.43 (evidence in support of application) with—
 - “(a) exhibiting—
 - (i) the judgment or a verified or certified or otherwise duly authenticated copy thereof;
 - (ii) where a judgment has been given in default, the original or certified true copy of the document which established that the party in default was served with the document instituting the proceedings or with an equivalent document; and
 - (iii) where the judgment or document is not in the English or Welsh language, as appropriate, a translation thereof into English or Welsh, as appropriate, certified by a notary public or a person qualified for the purpose or authenticated by witness statement or affidavit.”.
 - (b) in paragraph (2) of rule 7.43, omit “and (iii)”;
 - (c) in rule 7.44—
 - (i) in paragraph (2), omit from “and” to “that period”, and
 - (ii) omit paragraph (3).”.

99. In rule 7.53, in paragraph (4) for “2(c)” substitute “2(b)”.

100. In rule 8.2(9)(b), for “at a divorce town” substitute “, in an appeal from an order under the Domestic Proceedings and Magistrates' Courts Act 1978(**14**), at a divorce town, and in an appeal from an order under Schedule 6 to the Act of 2004, at a dissolution town”.

(12) The reference is to Council Regulation (EC) No 2201/2003 of 27 November 2003 (OJ No L 338, 23.12.2003, p1) concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000.

(13) S.I. 2005/3334.

(14) 1978 c. 22.

101. In rule 9.4—

- (a) in paragraph (1), after “for nullity” insert “of marriage”; and
- (b) after paragraph (1), insert—

“(1A) Where a petition for nullity of civil partnership has been presented on the ground that at the time of the formation of the civil partnership the respondent was suffering from mental disorder within the meaning of the Mental Health Act 1983(15) of such a kind or to such an extent as to be unfitted for civil partnership, then, whether or not the respondent gives notice of intention to defend, the petitioner shall not proceed with the cause without the leave of the district judge.”.

102. In rule 9.5—

- (a) in paragraph (1), after “9.2A” insert “and to paragraph 2 of Appendix 4”; and
- (b) in paragraph (5), after “rule 2.57” insert “or under paragraph 2 of Appendix 4”.

103. In rule 10.4, for “divorce county court” substitute “designated county court”.**104.** In rule 10.6—

- (a) in paragraph (1)(b), for “divorce county court” substitute “designated county court”; and
- (b) in paragraph (4), after “Form M5”, both times it appears, insert “or Form M5A, as the case may be,”.

105. For rule 10.8(1) substitute—

“(1) In these rules (other than rule 3.2(5)) any reference to a notice of intention to defend is a reference to an acknowledgement of service—

- (a) in proceedings other than under the Act of 2004, in Form M6, and
- (b) in proceedings under the Act of 2004, in Form M6A,

containing a statement to the effect that the person by whom or on whose behalf it is signed intends to defend the proceedings to which the acknowledgement relates, and any reference to giving notice of intention to defend is a reference to returning such a notice to the court office.”.

106. In rule 10.9(b), for “divorce county court” substitute “designated county court”.**107.** In rule 10.10,—

- (a) in paragraph (1), after “Where a” insert “matrimonial”;
- (b) after paragraph (1) insert—

“(1A) Where a civil partnership cause is pending in the High Court, the district judge of the registry in which the cause is pending or a judge may order that the cause be transferred to another district registry.”;

- (c) after paragraph (2) insert—

“(2A) Where a cause is pending in a civil partnership proceedings county court, the court may order that the cause be transferred to another civil partnership proceedings county court.”;

- (d) in paragraph (3)—

- (i) for “(1) and (2)” substitute “(1) to (2A)”;
- (ii) for “(1) or (2)” substitute “(1), (1A), (2) or (2A)”;

- (e) in paragraphs (4) and (7), for “paragraph (1), (2) or (3)” substitute “any of paragraphs (1) to (3)”; and
 - (f) in paragraph (6), for “(1) or (2)” substitute “(1), (1A), (2) or (2A)”.
- 108.** In rule 10.11, for “divorce county court”, wherever it appears, substitute “designated county court”.
- 109.** In rule 10.13, for “divorce county court” substitute “designated county court”.
- 110.** In rule 10.14—
- (a) in the heading, after “marriage” insert “or overseas relationship”;
 - (b) after paragraph (1), insert—
 - “(1A) The formation of an overseas relationship other than a marriage, outside England and Wales and its validity under the law of the country where it was formed may, in any family proceedings in which the existence and validity of that relationship is not disputed, be proved by the evidence of one of the parties to it and the production of a document purporting to be—
 - (a) a certificate or similar document issued under the law in force in that country evidencing its formation; or
 - (b) a certified copy of an entry in a register of such relationships kept under the law in force in that country.”;
 - (c) in paragraph (2), after “(1)” insert “or (1A)”;
 - (d) in paragraph (3), after “marriage” insert “or the existence of an overseas relationship which is not a marriage”.
- 111.** In rule 10.16—
- (a) in paragraph (1), after “decree” insert “or civil partnership order, as the case may be,”; and
 - (b) in paragraph (2), for “or order” substitute “, civil partnership order or other order”.
- 112.** In rule 10.19, for “divorce county court” substitute “designated county court”.
- 113.** In rule 10.20—
- (a) in paragraph (1), after “9.5” insert “or under paragraph 2 of Appendix 4”; and
 - (b) in paragraph (3)—
 - (i) after “2.36(4)” insert “and (5)”; and
 - (ii) for “or”, the second time it appears, substitute “, civil partnership order or other”.
- 114.** In rule 10.20A—
- (a) in paragraph (3), in the second entry in the table after “spouse,” (in both cases) insert “civil partner,”; and
 - (b) in paragraph (5), for the definition of “cohabitant” substitute—
 - ““cohabitant” means one of two persons who are neither married to each other nor civil partners of each other but are living together as husband and wife or as if they were civil partners;”.
- 115.** In rule 10.21B—
- (a) after “the Act of 1973” insert—
 - “(b) section 50(1)(d) or (e) of the Act of 2004;” and
 - (b) for “(b)” substitute “(c)”.
- 116.** In rule 10.22—

- (a) in the heading, for “divorce county courts” substitute “designated county courts”; and
- (b) in paragraph (1), for “divorce county courts” substitute “designated county courts”.

117. In Appendix 1—

- (a) in the list of forms—
 - (i) after the entry relating to Form M5, in the first column insert “M5A” and in the second column insert “Notice of Proceedings: Civil Partnership Act 2004”;
 - (ii) after the entry relating to Form M6, in the first column insert “M6A” and in the second column insert “Acknowledgement of Service: Civil Partnership Act 2004”;
 - (iii) after the entry relating to Form M9, in the first column insert “M9A” and in the second column insert “Order Making Conditional Order for Dissolution Final”;
 - (iv) after the entry relating to Form M10, in the first column insert “M10A” and in the second column insert “Order Making Conditional Nullity Order Final”;
 - (v) after the entry relating to Form M29, in the first column insert “M29A” and in the second column insert “Declaration as to Civil Partnership Status under Section 58 of the Civil Partnership Act 2004”;
 - (vi) after the entry relating to Form C13, in the first column insert “C13A”, in the second column insert “Supplement”, and in the third column insert “for an application for a Special Guardianship Order”; and
 - (vii) after the entry relating to Form C43, in the first column insert “C43A”, in the second column insert “Order”, and in the third column insert “Special Guardianship Order”;
- (b) for Form M1 substitute Form M1 as set out in Schedule 1 to these Rules;
- (c) in Form M4—
 - (i) after “petition for divorce” insert “or dissolution”;
 - (ii) for “husband/wife” each time it appears substitute “spouse/civil partner”; and
 - (iii) for “divorce petition”, each time it appears, substitute “petition for divorce or dissolution”;
- (d) after Form M5 insert Form M5A (Notice of Proceedings: Civil Partnership Act 2004) as set out in Schedule 1 to these Rules;
- (e) after Form M6 insert Form M6A (Acknowledgement of Service: Civil Partnership Act 2004) as set out in Schedule 1 to these Rules;
- (f) after Form M7(e) insert—
 - (i) Form M7(f) (affidavit by petitioner in support of petition under section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the Act of 1973, or section 50 (1)(d) of the Act of 2004); and
 - (ii) Form M7(g) (affidavit by petitioner in support of petition under section 44(5) of the Act of 2004
 as set out in Schedule 1 to these Rules;
- (g) for Form M8 substitute Form M8 as set out in Schedule 1 to these Rules;
- (h) after Form M9 insert Form M9A (Order Making Conditional Order for Dissolution Final) as set out in Schedule 1 to these Rules;
- (i) after Form M10 insert Form M10A (Order Making Conditional Nullity Order Final) as set out in Schedule 1 to these Rules;
- (j) in Form M16—
 - (i) omit “(Divorce)”; and

- (ii) for “divorce county court” substitute “designated county court”;
- (k) in Form M19—
 - (i) in the heading, for “*In the Matter of an Application under section 27 of the Matrimonial Causes Act 1973*” substitute—

“*[In the Matter of an Application under section 27 of the Matrimonial Causes Act 1973]*
[In the Matter of an Application under Part 9 of Schedule 5 to the Civil Partnership Act 2004]”; and
 - (ii) for “the wife [husband]” substitute “the spouse [civil partner]”;
- (l) in Form M20—
 - (i) for “NOTICE OF APPLICATION UNDER RULE 3.1 OR 3.2” substitute “NOTICE OF APPLICATION ON GROUND OF FAILURE TO PROVIDE REASONABLE MAINTENANCE OR FOR ALTERATION OF MAINTENANCE DURING PARTIES' LIFETIME”; and
 - (ii) after “section 35 of the Matrimonial Causes Act 1973” insert—

“*[In the Matter of an Application under Part 9 of Schedule 5 to the Civil Partnership Act 2004][In the Matter of an Application under paragraph 69 of Schedule 5 to the Civil Partnership Act 2004]*”;
- (m) in Form M21—
 - (i) in the heading, for “*In the Matter of an Application under section 35 of the Matrimonial Causes Act 1973*” substitute—

“*[In the Matter of an Application under section 35 of the Matrimonial Causes Act 1973]*
[In the Matter of an Application under paragraph 69 of Schedule 5 to the Civil Partnership Act 2004]”; and
 - (ii) in paragraph 1, for “wife [*or husband*]” substitute “spouse [*or civil partner*]”;
 - (iii) for paragraph 3 substitute—

“**3.** On [insert date], I [was lawfully married to the respondent at][formed a civil partnership with the respondent at] .”; and
 - (iv) in paragraph 5, after “marriage” insert “[civil partnership]”;
- (n) in Form M22, in the heading,
 - (i) omit “(Divorce)”; and
 - (ii) for “*In the Matter of an Application by under section 36 of the Matrimonial Causes Act 1973*” substitute—

“*[In the Matter of an Application under section 36 of the Matrimonial Causes Act 1973]*
[In the Matter of an Application under paragraph 73 of Schedule 5 to the Civil Partnership Act 2004]”;
- (o) in Form M23, in the heading,
 - (i) for “ORIGINATING SUMMONS UNDER SECTION 17 OF THE MARRIED WOMEN'S PROPERTY ACT 1882 [OR SECTION 1 OF THE MATRIMONIAL HOMES ACT 1983]” substitute—

- “ORIGINATING SUMMONS UNDER SECTION 17 OF THE MARRIED WOMEN'S PROPERTY ACT 1882 [OR SECTION 66 OF THE CIVIL PARTNERSHIP ACT 2004]”; and
- (ii) for “*In the Matter of an Application by under section 17 of the Married Women’s Property Act 1882[or section 1 of the Matrimonial Homes Act 1983]*” substitute—
 “[*In the Matter of an Application under section 17 of the Married Women’s Property Act 1882*]
 [*In the Matter of an Application under section 66 of the Civil Partnership Act 2004*]”;
- (p) in Form M23A—
- (i) in the paragraph beginning “TAKE NOTICE THAT”, after “[under section 17 of the Married Women’s Property Act 1882]” insert, on a new line, “— [under section 66 of the Civil Partnership Act 2004]”; and
- (ii) in paragraph 5, after “**Married Women’s Property Act 1882**” insert “**or under section 66 of the Civil Partnership Act 2004**”;
- (q) in Form M25—
- (i) in the heading—
- (aa) for “EX PARTE ORIGINATING SUMMONS UNDER SECTION 13 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984” substitute “EX PARTE ORIGINATING SUMMONS UNDER SECTION 13 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984 [OR PARAGRAPH 4 OF SCHEDULE 7 TO THE CIVIL PARTNERSHIP ACT 2004]”; and
- (bb) for “*In the matter of an Application under section 13 of the Matrimonial and Family Proceedings Act 1984*” substitute—
 “[*In the matter of an Application under section 13 of the Matrimonial and Family Proceedings Act 1984*]
 [*In the matter of an Application under paragraph 4 of Schedule 7 to the Civil Partnership Act 2004*]”; and
- (ii) in the body of the form, after “1984” insert “[under Schedule 7 to the Civil Partnership Act 2004]”;
- (r) in Form M26—
- (i) in the heading—
- (aa) for “ORIGINATING SUMMONS UNDER SECTION 12 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984” substitute “ORIGINATING SUMMONS UNDER SECTION 12 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984 [OR PARAGRAPH 2 OF SCHEDULE 7 TO THE CIVIL PARTNERSHIP ACT 2004]”; and
- (bb) for “*In the matter of an Application under section 12 of the Matrimonial and Family Proceedings Act 1984*” substitute—
 “*In the matter of an Application—*
 - *under section 12 of the Matrimonial and Family Proceedings Act 1984*
 - *under paragraph 2 of Schedule 7 to the Civil Partnership Act 2004*”;
- (s) in Form M27
- (i) in the heading—

- (aa) for “ORIGINATING SUMMONS UNDER SECTION 24 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984” substitute “ORIGINATING SUMMONS UNDER SECTION 24 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984 [OR PART 2 OF SCHEDULE 7 TO THE CIVIL PARTNERSHIP ACT 2004]”; and
- (bb) for “*In the matter of an Application under section 24 of the Matrimonial and Family Proceedings Act 1984*” substitute—
 - “*[In the matter of an Application under section 24 of the Matrimonial and Family Proceedings Act 1984]*”
 - “*[In the matter of an Application under Part 2 of Schedule 7 to the Civil Partnership Act 2004]*”; and
- (ii) in the body of the form, after “1984” insert “[under Schedule 7 to the Civil Partnership Act 2004]”;
- (t) after Form M29 insert Form M29A (Declaration as to Civil Partnership Status under Section 58 of the Civil Partnership Act 2004) as set out in Schedule 1 to these Rules;
- (u) omit Form M32;
- (v) in Form M33—
 - (i) in the heading omit “(Divorce)”; and
 - (ii) in paragraph 3, for “wife/husband” substitute “petitioner/respondent”;
- (w) in Form C1, in paragraph 10—
 - (i) for “mother and father” substitute “parents”; and
 - (ii) after “married to each other” insert “or civil partners of each other”;
- (x) in Form C10A—
 - (i) in paragraph 1, after “married,” insert “in a civil partnership,”;
 - (ii) in paragraph 2, after “spouse,” insert “civil partner,”;
- (y) after Form C13 insert Form C13A (Supplement for an application for a Special Guardianship Order) as set out in Schedule 1 to these Rules;
- (z) after Form C43 insert Form C43A (Special Guardianship Order) as set out in Schedule 1 to these Rules;
- (aa) in Form C44 after “[13(1)]”, each time it occurs, insert “[14C(3)]”;
- (bb) in Form C45—
 - (i) for “Section 4(1)” substitute “Section [4(1)] [4A(1)]”; and
 - (ii) for “Section 4(2A)” substitute “Section [4(2A)] [4A(3)]”;
- (cc) for Form FL401 substitute Form FL401 as set out in Schedule 1 to these Rules;
- (dd) in Form FL402, in note 4—
 - (i) after “marriage” insert “or civil partnership”;
 - (ii) after “divorce proceedings etc)” insert, on a new line—
 - “or
 - under Part 2 of Schedule 5 to the Civil Partnership Act 2004 (property adjustment on or after dissolution, nullity or separation)”;
 - (iii) after “husband and wife” insert “or civil partners”;
- (ee) in the section following Form FL404 headed “Orders under Family Law Act 1996 Part IV”—

- (i) in paragraphs 2 and 3 omit “matrimonial”; and
- (ii) in paragraph 3 for “marriage” substitute “[marriage][civil partnership]”; and
- (ff) in Form FL416, omit “matrimonial” on each occasion that it appears.

118. In Appendix 1A—

- (a) in Forms A to D, F, G and I, for “The marriage of and”, on each occasion it appears, substitute “Between (petitioner) and (respondent)”;
- (b) in Form A—
 - (i) after “pending suit” insert “or outcome of proceedings”; and
 - (ii) for “an order under Section 24B, 25B or 25C of the Act of 1973” substitute “a pension sharing order or a pension attachment order”;
- (c) in Form B—
 - (i) after “under” insert “[”;
 - (ii) after “divorce” insert “[section 48(2) of the Civil Partnership Act 2004 for the Court to consider the financial position of the Respondent after the dissolution of the civil partnership*.]”; and
 - (iii) in the margin opposite the text referred to in sub-sub-paragraph (ii) insert “*Delete as appropriate.”;
- (d) for Form E substitute the Form E as set out in Schedule 1 to these Rules;
- (e) in Form I—
 - (i) in the heading and the footnote, at the end insert “or Outcome of Proceedings”;
 - (ii) for “suit” substitute “[suit][outcome of proceedings]*”;
 - (iii) in the margin opposite the text referred to in sub-sub-paragraph (ii) insert *Delete as appropriate; and
- (f) after Form I insert—
 - (i) Form P (Pension Inquiry Form);
 - (ii) Form P1 (Pension Sharing Annex); and
 - (iii) Form P2 (Pension Attachment Annex)
 as set out in Schedule 1 to these Rules.

119. In Appendix 2—

- (a) in paragraph 1—
 - (i) after “3.12” insert “,3.12A”;
 - (ii) in sub-paragraph (a)—
 - (aa) after “marriage”, the first time it appears, insert “or civil partnership, as the case may be,” and
 - (bb) after “marriage”, the second time it appears, insert “or the date on and place at which the civil partnership was formed, as the case may be”;
 - (iii) for sub-paragraph (b), substitute—
 - “(b) the last address at which—
 - (i) in a matrimonial cause, the parties to the marriage have lived together as husband and wife, and
 - (ii) in a civil partnership cause, the parties to the civil partnership have lived together as civil partners of one another.”;

- (iv) for sub-paragraph 1(bb) substitute —
 - “(bb) where it is alleged that the court has jurisdiction—
 - (i) under the Council Regulation, state the grounds of jurisdiction under Article 3(1) of the Council Regulation;
 - (ii) under the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005, state the grounds of jurisdiction under regulation 3 of those Regulations.”;
- (v) in paragraph (c), after “Council Regulation” insert “ or the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005, as the case may be”;
- (vi) after paragraph (d) insert—
 - “(dd) where it is alleged that the court should assume jurisdiction under section 221(1)(c) or (2)(c) of the Act of 2004, the facts and matters relied on in support of that assertion;”;
- (vii) in sub-paragraph (g), at the beginning, insert “in a matrimonial cause,”;
- (viii) after sub-paragraph (g) insert—
 - “(ga) in a civil partnership cause, whether (to the knowledge of the petitioner) any other child now living has been born to either of the civil partners during the civil partnership and, if so, the full names (including surname) of the child and his date of birth or, if it be the case, that he is over 18;”;
- (ix) in sub-paragraph (i)—
 - (aa) after “marriage”, wherever it appears, insert “or civil partnership”; and
 - (bb) in sub-paragraph (iii), for “or order” substitute “, conditional order or other order”;
- (x) in sub-paragraph (j)—
 - (aa) after “marriage” insert “or civil partnership”;
 - (bb) in sub-paragraph (v), at the beginning insert “in a matrimonial cause,”; and
 - (cc) after sub-paragraph (v), insert—
 - “(vi) in a civil partnership cause, such other facts as may be relevant to the question whether the proceedings on the petition should be stayed under the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules 2005”;
- (xi) for sub-paragraph (l), substitute—
 - “(l) in the case of—
 - (i) a petition for divorce, that the marriage has broken down irretrievably, or
 - (ii) a petition for dissolution, that the civil partnership has broken down irretrievably;”;
- (xii) in sub-paragraph (m), at the beginning insert “in a matrimonial cause,”; and
- (xiii) after sub-paragraph (m) insert—
 - “(ma) in a civil partnership cause, the fact alleged by the petitioner for the purposes of section 44(5) of the Act of 2004 or, where the petition is not for a dissolution or separation order, the ground on which relief is sought,

together in any case with brief particulars of the individual facts relied on but not the evidence by which they are to be proved;”;

(b) for paragraph 2 substitute—

“2.—(1) In a matrimonial cause, a petition for a decree of nullity under section 12(e), (f) or (h) of the Act of 1973 shall state whether the petitioner was at the time of the marriage ignorant of the facts alleged;

(2) In a civil partnership cause, a petition for a nullity order under section 50(1)(c) or (e) of the Act of 2004 shall state whether the petitioner was at the time of the civil partnership ignorant of the facts alleged.”;

(c) for paragraph 3 substitute—

“3. A petition for—

(a) a decree of presumption of death and dissolution of marriage; or

(b) an order for presumption of death and dissolution of civil partnership,

shall state—

(i) the last place at which the parties to the marriage or civil partnership, as the case may be, cohabited;

(ii) the circumstances in which the parties ceased to cohabit;

(iii) the date when and the place where the respondent was last seen or heard of; and

(iv) the steps which have been taken to trace the respondent.”.

120. In Appendix 3, in the entry relating to section 4(1)(c), 4(3), 5(1) etc,

(a) in column (i)—

(i) after “4(3),” insert “4A(1)(b), 4A(3),”; and

(ii) after “13(1),” insert “14A, 14C(3), 14D,”;

(b) at the end of column (iii), add—

“In the case of an application under section 14A, if a care order is in force with respect to the child, the child.”; and

(c) in column (iv)—

(i) after “in the case of an application for a section 8 order” insert “or an application under section 14A or 14D”;

(ii) at the end of column (iv), add—

“in the case of an application under section 14A, if the child is not being accommodated by the local authority, the local authority in whose area the applicant is ordinarily resident; in the case of an application under section 14D—

(a) as for applications under section 14A above, and

(b) the local authority that prepared the report under section 14A(8) or (9) in the proceedings leading to the order which it is sought to have varied or discharged, if different from any local authority that will otherwise be notified.”.

121. After Appendix 3 insert Appendix 4 as set out in Schedule 2 to these Rules.

Consequential and Transitional Provision

122. Rule 20 of the Family Proceedings (Amendment No.2) Rules 1999~~(16)~~ is revoked.

123.—(1) Where proceedings have been commenced before the date on which these Rules come into force, the 1991 Rules shall apply to those proceedings as if these Rules had not been made.

(2) Notwithstanding paragraph (1), in proceedings commenced before these Rules come into force—

- (a) where the 1991 Rules require the use of any form other than Forms M1, E, P, P1 and P2, that form may be used in those proceedings as amended or substituted by these Rules; and
- (b) any requirement in the 1991 Rules (including in any of the forms)—
 - (i) to state if either party to a marriage has remarried shall be read as also requiring him to indicate if either party has entered into a civil partnership; and
 - (ii) to state if either party has any intention to marry or remarry shall be read as also requiring him to indicate if either party has any intention to enter into a civil partnership.

(3) Where in any proceedings commenced after these Rules come into force, other than proceedings under the Civil Partnership Act 2004, the 1991 Rules require the use of any form, other than Forms M1, FL401, E, P, P1 and P2, then, subject to paragraph (2)(b) that form may be used in those proceedings as though it had not been amended or substituted by these Rules.

(4) For the purposes of this rule, ancillary relief proceedings are commenced when—

- (a) a notice of intention to proceed with an application for ancillary relief made in a petition or answer; or
- (b) an application for ancillary relief

in Form A is filed with the court.

*Falconer of Thoroton, C
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18th October 2005