

2006 No. 2080 (L. 8)

FAMILY PROCEEDINGS

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

The Family Proceedings (Amendment) (No. 2) Rules 2006

<i>Made</i> - - - -	<i>25th July 2006</i>
<i>Laid before Parliament</i>	<i>27th July 2006</i>
<i>Coming into force</i> - -	<i>21st August 2006</i>

The Family Proceedings Rule Committee makes the following Rules in exercise of the powers conferred by section 40(1) of the Matrimonial and Family Proceedings Act 1984(a):

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Family Proceedings (Amendment) (No.2) Rules 2006 and shall come into force on 21st August 2006.

(2) In these Rules, a reference to a rule by number alone is a reference to the rule so numbered in the Family Proceedings Rules 1991(b) (“the 1991 Rules”).

Amendments to the 1991 Rules

2. In the arrangement of rules, after the entry relating to rule 2.70, insert—

“2.70A Pension Protection Fund”.

3. In rule 2.51C(1), after “section 5(1)”, insert “or 5A(1)”.

4. In rule 2.61(1), in sub-paragraph (dd), omit —

(a) “24B,”; and

(b) “15,”.

5. In rule 2.61B(3),

(a) at the end of sub-paragraph (b) omit “and”; and

(b) after sub-paragraph (c), insert—

(a) 1984 c.42; section 40 was amended by the Courts and Legal Services Act 1990 (c.41), Schedule 18, paragraph 50 and the Constitutional Reform Act 2005 (c.4), Schedule 4, paragraphs 379 and 380 and will be repealed (on a date to be appointed) by the Courts Act 2003 (c.39), Schedule 8, paragraph 278 and Schedule 10.

(b) S.I.1991/1247; relevant amending instruments are S.I. 1994/2890, 1996/1674, 2000/2267, 2001/821, 2003/2839, 2005/559 and 2005/2922.

“; and

- (d) any notification or other document referred to in paragraphs (2), (4) or (5) of rule 2.70A which has been received by the party producing the form.”.

6. After rule 2.70, insert—

“Pension Protection Fund

2.70A.—(1) This rule applies where—

- (a) rule 2.70 applies; and
- (b) the party with pension rights or the civil partner with pension rights (“the member”) receives or has received notification in compliance with the Pension Protection Fund (Provision of Information) Regulations 2005(a) (“the 2005 Regulations”) —
 - (i) from the person responsible for the pension arrangement, that there is an assessment period in relation to the pension arrangement; or
 - (ii) from the Board that it has assumed responsibility for the pension arrangement or part of it.

(2) If the person responsible for the pension arrangement notifies or has notified the member that there is an assessment period in relation to the pension arrangement, the member must send to the other party or civil partner—

- (a) a copy of the notification; and
- (b) a copy of the valuation summary,

in accordance with paragraph (3).

(3) The member must send the documents referred to in paragraph (2)—

- (a) if available, when he sends the information received under rule 2.70(2); or
- (b) otherwise, within 7 days of receipt.

(4) If—

- (a) the pension arrangement is in an assessment period; and
- (b) the Board notifies the member that it has assumed responsibility for the pension arrangement, or part of it,

the member must—

- (i) send a copy of the notification to the other party or civil partner within 7 days of receipt; and
- (ii) comply with paragraph (5).

(5) Where paragraph (4) applies, the member must —

- (a) within 7 days of receipt of the notification, request the Board in writing to provide a forecast of his compensation entitlement as described in the 2005 Regulations; and
- (b) send a copy of the forecast of his compensation entitlement to the other party or civil partner within 7 days of receipt.

(6) In this rule—

- (a) in a matrimonial cause, all words and phrases defined in section 25E(9) of the Act of 1973 have the meanings assigned by that subsection;
- (b) in a civil partnership cause, all words and phrases defined in paragraph 37 of Schedule 5 to the Act of 2004 have the meanings assigned by that paragraph; and
- (c) “valuation summary” has the meaning assigned to it by the 2005 Regulations.

(a) SI 2005/674

(7) Paragraph (18) of rule 2.70 shall apply to this rule as it applies to rule 2.70.”.

7. In rule 6.11(2), after “section 20(2) of the Act” insert “, Article 21(2) of the Child Abduction and Custody (Jersey) Law 2005”.

8. In rules 6.11(4) and 6.12, after “the High Court in Northern Ireland”, wherever those words appear, insert “, the Royal Court of Jersey”.

9. In rule 6.11(5), after “a court of summary jurisdiction in Northern Ireland,” insert “the Royal Court of Jersey, a court of summary jurisdiction in Jersey,”.

*Sir Mark Potter, President
William Charles, J
Angela Finnerty
Bruce Edgington
Charles Hyde
Philip Waller*

I allow these Rules

Date 25th July 2006

Falconer of Thoroton, C

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Rules 1991 (S.I.1991/1247).

Gender Recognition. The rules insert into rule 2.51C a reference to section 5A(1) of the Gender Recognition Act 2004 (c.7). This section was inserted by the Civil Partnership Act 2004 (c.33). It provides for the issue of a full gender recognition certificate to a person who has been a civil partner in similar terms to those provided by section 5 in relation to a person who has been married.

Applications for ancillary relief which include an application for a pension sharing or pension attachment order. The rules amend the provision relating to which documents need to be sent to the court when the court is considering an application for a consent order which includes an order in relation to pension sharing. In addition, where there is an application for ancillary relief which includes an application for a pension sharing order or a pension attachment order, the rules provide for information to be given to the other party by the party with pension rights in certain circumstances. The circumstances relate to the involvement of the Pension Protection Fund with the pension arrangement. The Pension Protection Fund was established by the Pensions Act 2004 (c.35) ('the Pensions Act'). It pays compensation to members of certain pension schemes when a qualifying insolvency event in relation to the employer occurs and where there are insufficient assets in the pension scheme to cover the levels of compensation which would be payable by the Pension Protection Fund under the Pensions Act

Child Abduction. The rules make provision consequential on the commencement of the Child Abduction and Custody Act 1985 (Jersey) Order 2006. The Child Abduction and Custody Act 1985 (c.60) ('the 1985 Act') gives effect in the United Kingdom to the Hague Convention on the Civil Aspects of International Child Abduction (1980, Cm.33) and the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children (1980, Cm.191). The Child Abduction and Custody Act 1985 (Jersey) Order 2006 modifies the 1985 Act so as to extend to Jersey the provisions applying between the United Kingdom jurisdictions in respect of the transmission of Convention applications, suspension of jurisdiction and transfer of applications between courts.

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