
STATUTORY INSTRUMENTS

2007 No. 1628

The Family Proceedings Courts (Matrimonial Proceedings etc.) (Amendment) Rules 2007

Citation, commencement and interpretation

1. These Rules may be cited as the Family Proceedings Courts (Matrimonial Proceedings etc.) (Amendment) Rules 2007 and shall come into force on 1st July 2007.

Amendments to the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991

2. The Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991(1) are amended in accordance with rules 3 to 8.

3. In rule 3A—

(a) for paragraph (3), substitute—

“(3) An application in Form FL401 shall be supported by a statement which is signed and is declared to be true.”; and

(b) in paragraph (4)(b), for “evidence” substitute “statement”.

4. In rule 12 for paragraph (8) substitute—

“(8) The designated officer for the court shall supply a copy of the record of the reasons for a decision made in pursuance of paragraph (5)(b) to—

(a) a party in proceedings under Part IV of the Family Law Act 1996; and

(b) to any other person, if satisfied that it is required in connection with an appeal or possible appeal,

if so requested by such person.”.

5.—(1) In rule 12A—

(a) in paragraph (1)—

(i) in sub-paragraph (a), omit “and”;

(ii) in sub-paragraph (b)—

(aa) after “any”, insert “occupation”; and

(bb) after “FL404”, insert—

“, and

(c) any non-molestation order made on the hearing shall be issued in Form FL404a”.

(2) In paragraph (2) after “with”, insert “a copy of the record of the reasons for a decision made in pursuance of rule 12(5)(b),”.

6. In rule 20—

- (a) for paragraph (1), substitute—
- “(1) Where a power of arrest is attached to one or more of the provisions (“the relevant provisions”) of an occupation order under the Family Law Act 1996, the relevant provisions shall be set out in Form FL406 and the form shall not include any provisions of the order to which the power of arrest was not attached.
- (1A) Where the court makes a non-molestation order under that Act or paragraph (1) applies, the following documents shall be delivered to the officer for the time being in charge of any police station for the applicant’s address or of such other police station as the court may specify—
- (a) a copy of Form FL404a or FL406, as the case may be; and
- (b) a statement showing that the respondent has been served with the order or informed of its terms (whether by being present when the order was made or by telephone or otherwise).
- (1B) The documents referred to in paragraphs (1A)(a) and (b) shall be delivered by—
- (a) the applicant, if the applicant is responsible for serving the order on the respondent in accordance with rule 12A(2) or 12(5); or
- (b) the designated officer for the court, if the designated officer for the court is responsible for serving the order on the respondent in accordance with rule 12A(3).”.
- (b) in paragraph (2)—
- (i) after “relevant provisions”, insert “of the occupation order or, as the case may be, any provisions of the non-molestation order”; and
- (ii) in sub-paragraph (a), for “the form under paragraph (1)”, substitute “any form under paragraph (1A)”.
- (c) in paragraph (3), after “the respondent”, insert “under section 47(8) of the Family Law Act 1996”;
- (d) at the beginning of paragraph (4)(b)(i), insert “Unless the court directs otherwise,”;
- (e) in paragraph (6)(a), after “FL404”, insert “or FL404a, as the case may be,”;
- (f) in paragraph (22)—
- (i) after “power of arrest”, insert “attached to an occupation order under section 47(2) or (3) of the Family Law Act 1996”; and
- (ii) after “warrant of arrest”, insert “issued on an application under section 47(8) of that Act”.
7. In rule 21(1)—
- (a) after “power of arrest”, insert “attached to an occupation order under section 47(2) or (3) of the Family Law Act 1996”; and
- (b) after “warrant of arrest”, insert “issued on an application under section 47(8) of that Act”.
8. In Schedule 1—
- (a) in the list of forms—
- (i) for the entry in the second column relating to Form FL404, substitute “Occupation Order”; and
- (ii) after the entry relating to Form FL404, in the first column insert “FL404a” and in the second column insert “Non-Molestation Order”.
- (b) for Form FL404, substitute Form FL404 set out in the Schedule to these Rules;

- (c) after Form FL404, insert Form FL404a as set out in the Schedule to these Rules; and
- (d) for Form FL406, substitute Form FL406 set out in the Schedule to these Rules.

Transitional Provisions

9. Where—

- (a) a power of arrest has been attached to a non-molestation order under Part IV of the Family Law Act 1996 before the commencement of these Rules; and
- (b) that power of arrest still has effect,

the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991 in force immediately before the commencement of these Rules shall apply—

- (i) following any arrest made under the power of arrest attached to the non-molestation order; or
- (ii) to any application for bail made under rule 21(1) if the arrest is made before these Rules come into force and the arrested person is being held on remand.

5th June 2007

Phillips of Worth Matravers, CJ

I concur

6th June 2007

Harriet Harman
Minister of State
Ministry of Justice