
STATUTORY INSTRUMENTS

2008 No. 2859

**The Magistrates' Courts (Enforcement of
Children Act 1989 Contact Orders) Rules 2008**

Modification of the 1991 Rules

9. After rule 4 insert—

“Application for a warning notice

- 4A.**—(1) This rule applies in relation to an application for a warning notice.
- (2) The application shall be made ex parte on Form C78.
- (3) The court may deal with the application without a hearing.
- (4) Where the court determines that the application shall be dealt with at a hearing—
- (a) rule 4(1)(b) and (3) shall apply;
- (b) rule 4(2) shall apply as if for the words “On receipt by the designated officer of the documents filed under paragraph (1)(a)” there were substituted “On the court determining that the application shall be dealt with at a hearing”; and
- (c) rules 16(7) and 22 shall apply as if the proceedings on the application for a warning notice were relevant proceedings.
- (5) Rules 23, 23A and 33 shall apply as if the proceedings on the application for a warning notice were relevant proceedings.

Application to amend enforcement order by reason of change of residence

- 4B.**—(1) This rule applies in relation to an application under paragraph 5 of Schedule A1 (application to amend an enforcement order by reason of change of residence).
- (2) The application shall be made ex parte on Form C79.
- (3) The court may deal with the application without a hearing.
- (4) Where the court determines that the application shall be dealt with at a hearing—
- (a) rule 4(1)(b) and (3) shall apply; and
- (b) rule 4(2) shall apply as if for the words “On receipt by the designated officer of the documents filed under paragraph (1)(a)” there were substituted “On the court determining that the application shall be dealt with at a hearing”.”.