

---

STATUTORY INSTRUMENTS

---

**2008 No. 2861**

**The Family Proceedings (Amendment) (No.2) Rules 2008**

**Amendments to the Family Proceedings Rules 1991**

7. After rule 4.4, insert—

**“Application for a warning notice or application to amend enforcement order by reason of change of residence**

**4.4A.—**(1) This rule applies in relation to an application for a warning notice or for an order under paragraph 5 of Schedule A1 (to amend an enforcement order by reason of change of residence).

(2) The application shall be made—

- (a) in the case of an application for a warning notice, ex parte on Form C78; or
- (b) in the case of an application for an order under paragraph 5 of Schedule A1, 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 4.4(1)(b) and (3) shall apply; and
- (b) rule 4.4(2) shall apply as if for the words before “the proper officer” there were substituted “On the court determining that the application shall be dealt with at a hearing”.”.