

2009 No. 2027 (L. 22)

FAMILY PROCEEDINGS

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

The Family Proceedings (Amendment) (No.3) Rules 2009

Made - - - - - *21st July 2009*

Laid before Parliament *22nd July 2009*

Coming into force as provided in rule 1(2)

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 and commencement

1.—(1) These Rules may be cited as the Family Proceedings (Amendment) (No.3) Rules 2009.

(2) These Rules shall come into force as follows—

- (a) this rule and rules 2, 3 and 9 to 17 shall come into force on 17th August 2009;
- (b) rules 4 to 8, 18 and 20 shall come into force on 1st September 2009; and
- (c) rule 19 shall come into force on 1st November 2009.

Amendments to the Family Proceedings Rules 1991

2. The Family Proceedings Rules 1991(b) are amended in accordance with the provisions of rules 3 to 20.

3. In the Arrangement of Rules—

- (a) in the entry for rule 8.2, for “Appeals from magistrates’ courts and appeals from district judges under the Act of 1989 and Parts 4 and 4A of the Family Law Act 1996” substitute “Appeals to a county court and appeals from district judges under the Act of 1989 or Parts 4 and 4A of the Family Law Act 1996 or relating to deduction order appeals”; and
- (b) after the entry for rule 8.2F insert—
“8.2FF Appeal court’s powers: deduction order appeals”.

(a) 1984 c.42. Section 40(1) was amended by section 125(3) of and paragraph 50 of Schedule 18 to the Courts and Legal Services Act 1990 (c.41) and section 15(1) of and paragraphs 379 and 380 of Schedule 4 to the Constitutional Reform Act 2005 (c.4) and will be repealed (on a date to be appointed) by section 109(1) of and paragraph 278 of Schedule 8 to and Schedule 10 to, the Courts Act 2003 (c.39).

(b) S.I. 1991/1247. Relevant amending instruments are S.I. 1991/2113, 1992/2067, 1994/2165 and 3155, 2001/821, 2003/184 and 2839, 2004/3375, 2005/617 and 2922, 2007/2187, 2008/2446 and 2861 and 2009/636.

4. In rule 3.14, for paragraph (c), substitute—
- “(c) if it is known, the name of the petitioner’s father and his residential address at the time of the presentation of the petition;
 - (cc) if it is known, the name of the petitioner’s mother at her birth and, if it is different, her current name and her residential address at the time of presentation of the petition;”.
5. In rule 4.1(2)(c), after “4(3),” insert “4ZA(1)(c), 4ZA(6),”.
6. In rule 4.4, after “4(1)(c),” wherever it occurs, insert “,4ZA(1)(c) or 4A(1)(b)”.
7. In rule 4.9(1)(a), after “4(1)(c),” insert “,4ZA(1)(c) or 4A(1)(b)”.
8. In rule 4A.1, in the definition of “the birth father”, after “section 28 of the 1990 Act” insert “or by sections 35 to 40 of the Human Fertilisation and Embryology Act 2008(a)”.
9. For rule 8.A1, substitute—
- “**8.A1.**—(1) In this Part—
- (a) “the court below” means the court from which, or the person from whom, the appeal lies;
 - (b) “the appeal court” means the court to which the appeal is made;
 - (c) “Commission” means the Child Maintenance and Enforcement Commission; and
 - (d) “deduction order appeal” means an appeal under regulation 25AB(1)(a) to (d) of the Child Support (Collection and Enforcement) Regulations 1992(b).
- (2) For the purposes of a deduction order appeal—
- (a) “the appellant” means the person who brings or seeks to bring an appeal; and
 - (b) “the respondent” means—
 - (i) the Commission and any person other than the appellant who was served with an order under section 32A(1), 32E(1) or 32F(1) of the Act of 1991; and
 - (ii) a person who is permitted by the appeal court to be a party to the appeal.”.
10. In rule 8.2—
- (a) for the heading substitute “Appeals to a county court and appeals from district judges under the Act of 1989 or Parts 4 and 4A of the Family Law Act 1996 or relating to deduction order appeals”;
 - (b) in sub-paragraph (a) of paragraph (1)—
 - (i) at the end of paragraph (v), omit “or”; and
 - (ii) for paragraph (vii), substitute—
 - “(vi) any other enactment giving a person a right of appeal against a decision of a magistrates’ court; or
 - (vii) regulation 25AB(1)(a) to (d) of the Child Support (Collection and Enforcement) Regulations 1992; or”;
 - (c) in sub-paragraph (b) of paragraph (1)—
 - (i) at the end of paragraph (i), omit “or”; and
 - (ii) at the end of paragraph (ii), insert—
 - “; or
 - (iii) relating to a deduction order appeal.”; and
 - (d) in paragraph (2), omit “(i) and (ii)”.

(a) 2008 c.22 .

(b) S.I. 1992/1989. Relevant amending instrument is S.I. 2009/1815.

11. In rule 8.2A—

- (a) at the end of sub-paragraph (a) of paragraph (1), insert “and in the case of a deduction order appeal, the Commission and any other respondent”;
- (b) in paragraph (3)—
 - (i) at the end of sub-paragraph (c), omit “or”; and
 - (ii) after sub-paragraph (c) insert—
 - “(cc) in the case of a deduction order appeal, within 21 days of—
 - (i) where the appellant is a deposit-taker, service of the order;
 - (ii) where the appellant is a liable person, receipt of the order; or
 - (iii) where the appellant is either a deposit-taker or a liable person, the date of receipt of notification of the decision; or”;
- (c) in paragraph (4) omit “under paragraph (1)”;
- (d) after paragraph (5), insert—
 - “(6) In the case of a deduction order appeal, the Commission shall provide to the court and serve on all other parties to the appeal any information and evidence relevant to the making of the decision or order being appealed, within 14 days of receipt of the notice of appeal.
 - (7) For the purposes of paragraph (3)(cc)—
 - (a) references to “liable person” and “deposit-taker” are to be interpreted in accordance with section 32E of the Act of 1991 and regulation 25A(2) of the Child Support (Collection and Enforcement) Regulations 1992 and section 54 of that Act, respectively; and
 - (b) the liable person is to be treated as having received the order or notification of the decision 2 days after it was posted by the Commission.”.

12. In rule 8.2B—

- (a) in paragraph (1)—
 - (i) for “paragraph (2)”, substitute “paragraphs (2) and (3)”;
 - (ii) in sub-paragraphs (a) to (c), after “court below” in each place it occurs, insert “or, in a deduction order appeal, the order or decision of the Commission”;
- (b) after paragraph (2), insert—
 - “(3) Where the Commission as a respondent, wishes to contend that its order or decision should be—
 - (a) varied, either in any event or in the event of the appeal being allowed in whole or in part; or
 - (b) affirmed on different grounds from those on which it relied when making the order or decision,it shall, within 14 days of receipt of notice of the appeal, file and serve on all other parties to the appeal a notice in writing, setting out the grounds upon which it relies.”.

13. For rule 8.2C, substitute—

- “**8.2C.**—(1) Subject to paragraph (2), unless the court orders otherwise, an appeal under rule 8.2(1) shall not operate as a stay of proceedings on the order or decision appealed against.
- (2) Paragraph (1) shall not apply to an appeal made against an order under section 32F(1) of the Act of 1991.”.

14. In rule 8.2E, after paragraph (2), insert—

- “(3) A district judge may hear any deduction order appeal.”.

15. In rule 8.2F, after paragraph (3), insert—

“(4) Paragraph (2)(d) of this rule does not apply in the case of an appeal against the decision of a district judge in proceedings relating to a deduction order appeal.

(5) This rule does not apply to a deduction order appeal.”.

16. After rule 8.2F insert—

“Appeal court’s powers: deduction order appeals

8.2FF In the case of a deduction order appeal—

(a) the appeal court has power to—

(i) affirm or set aside the order or decision;

(ii) remit the matter to the Commission for the order or decision to be reconsidered, with appropriate directions;

(iii) refer any application or issue for determination by the Commission;

(iv) make a costs order; and

(b) the appeal court may exercise its powers in relation to the whole or part of an order or decision of the Commission.”.

17. In rule 8.2G—

(a) at the beginning of paragraph (1), for “Every” substitute “Subject to paragraph (2A), every”;

(b) at the beginning of paragraph (2), for “Unless” substitute “Subject to paragraph (2A), unless”;

(c) after paragraph (2), insert—

“(2A) In the case of a deduction order appeal, the appeal will be a re-hearing, unless the appeal court orders otherwise.”;

(d) in paragraph (3), after “court below” insert “or, in a deduction order appeal, the order or decision of the Commission”; and

(e) for sub-paragraph (b) of paragraph (3), substitute—

“(b) unjust because of a serious procedural or other irregularity in—

(i) the proceedings in the court below; or

(ii) the making of an order or decision by the Commission.”.

18. In Appendix 1, for Forms C13A, C19, C28, FL401 substitute the forms set out in Schedule 1.

19. In Appendix 1, for Form FL401A, substitute the form set out in Schedule 2.

20. In Appendix 3, in the second entry—

(a) in column (i), after “4(3),” insert “4ZA(1)(c), 4ZA(6),”; and

(b) in column (iv), for “the father of the child if he”, substitute “the father or parent (being a woman who is a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008) of the child if that person”.

*Mark Potter,P
Duncan Adam
Bruce Edgington
Angela Finnerty
Charles Hyde
David Salter
Philip Waller*

I allow these Rules

21st July 2009

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

Supplement for an application for a Special Guardianship Order Section 14A Children Act 1989

Name of court	
Case no.	
Date issued	

Full name(s) of the child(ren)	Child(ren's) number(s)

1. Your relationship to the child(ren)

State whether

- you are a guardian
- you are a person in whose favour a residence order is in force (Section 14A (5)(b))
- you are a person with whom the child has lived for 3 out of the last 5 years
- you are a person who:
 - if a residence order is in force, has the consent of every person in whose favour the order was made
 - if the child is in the care of the local authority, the consent of that authority
 - in any other case, has the consent of every person with parental responsibility
- you are a local authority foster parent or relative with whom the child has lived for a period of at least one year immediately preceding the application (Section 14A(5)(d) and (e))
- you are applying to the court for permission to make this application; or
- the court gave permission for you to apply for a special guardianship order. In this case please state the name of the court and the date of the order.

2. Notification to the Local Authority

Please state below the name of the local authority (if the child is looked after by a local authority, give details of that authority otherwise give the details of the local authority where you normally live). Give the date on which you notified them of your intention to make an application to the court for a special guardianship order (Section 14A(7)). If you notified the local authority less than three months before making this application please state whether an application to adopt the child named above has been made; the name of the court in which the application is proceeding and, where known, the court case number.

3. The reason(s) for the application:

State briefly your reasons for applying. Please only provide brief details, including details of any request you have made or will be making to the local authority for special guardianship support services. You may be asked to provide a full statement later.

4. Your plans for the child(ren)

Include

- details of any existing arrangements or arrangements you intend to make to allow the child(ren) contact with a parent, relative or other person (Section 14B(1)(a))
- details of any existing residence, contact, prohibited steps or specific issues order which you would like the court to vary or discharge (Section 14B(1)(b))
- any condition you will invite the court to impose pursuant to Section 14E(5) of the Children Act 1989

Signed _____
(Applicant)

Date _____

Application for a warrant of assistance

Form C19

*Section 102 Children Act 1989
Section 79 Childcare Act 2006*

The court	To be completed by the court
The full name(s) of the child(ren) (if known)	Date issued
	Case number
	Child(ren)'s number(s)

1 About you (the applicant)

- State
- your title, full name, address, telephone number and relationship to the child(ren) (if any)
 - your solicitor's name, address, reference, telephone, FAX and DX numbers
 - whether you are:
 - a person authorised by the local authority
 - a person authorised by the Welsh Ministers
 - a person authorised by the Secretary of State
 - a supervisor acting under a supervision order
 - Her Majesty's Chief Inspector of Education, Children's Services and Skills

2 Description of the child(ren) (if applicable)

*If a child's identity is not known, state details which will identify the child.
You may enclose a recent photograph of the child, which should be dated.*

3 The grounds for the application

I am attempting to exercise powers under an enactment within Section 102(6) Children Act 1989 or under section 77(1) or (2) of the Childcare Act 2006 at the following premises (*give full address*):

and

I have been prevented from exercising those powers by

I am likely to be prevented from exercising those powers by

PERSON AUTHORISED BY THE LOCAL AUTHORITY	<input type="checkbox"/> <i>s62(6) Children Act 1989</i>	<input type="checkbox"/> { <ul style="list-style-type: none"> [being, or likely to be, refused entry to accommodation provided by a voluntary organisation] [being, or likely to be, refused access to a child in accommodation provided by a voluntary organisation]
		<input type="checkbox"/> { <ul style="list-style-type: none"> [being, or likely to be, refused entry to a private foster home] [being, or likely to be, refused access to a child in a private foster home]
		<input type="checkbox"/> { <ul style="list-style-type: none"> [being, or likely to be, refused entry to an independent school] [being, or likely to be, refused access to a child in an independent school]
PERSON AUTHORISED BY THE WELSH MINISTERS	<input type="checkbox"/> <i>s79U Children Act 1989</i>	<input type="checkbox"/> { <ul style="list-style-type: none"> [being, or likely to be, refused entry to domestic premises where child-minding is carried on] [being, or likely to be, refused access to a child on domestic premises where child-minding is carried on]
		<input type="checkbox"/> { <ul style="list-style-type: none"> [being, or likely to be, refused entry to premises on which day care for children under the age of 8 is provided] [being, or likely to be, refused access to a child in premises on which day care for children under the age of 8 is provided]
PERSON AUTHORISED BY THE SECRETARY OF STATE	<input type="checkbox"/> <i>s80(8) Children Act 1989</i>	<input type="checkbox"/> { <ul style="list-style-type: none"> [being, or likely to be, refused entry to any of the premises specified by Section 80(1) Children Act 1989] [being, or likely to be, refused access to a child in any of the premises specified by Section 80(1) Children Act 1989]
SUPERVISOR UNDER THE SUPERVISION ORDER	<input type="checkbox"/> <i>Paragraph 8(1)(b) Schedule 3 Children Act 1989</i>	<input type="checkbox"/> [being, or likely to be, refused entry to accommodation where a supervised child is living]
		<input type="checkbox"/> <i>Paragraph 8(2)(b) Schedule 3 Children Act 1989</i>
HER MAJESTY'S CHIEF INSPECTOR OF EDUCATION, CHILDREN'S SERVICES AND SKILLS	<input type="checkbox"/> <i>Section 77(1) Childcare Act 2006</i>	<input type="checkbox"/> [being, or likely to be, refused entry to premises on which I have reasonable cause to believe early years provision or later years provision is being provided in breach of section 33(1), 34(1), 52(1) or 53(1) of the Childcare Act 2006]
		<input type="checkbox"/> <i>Section 77(2) Childcare Act 2006</i>

4 The respondent(s)

For each respondent state the title, full name, address, telephone number and relationship (if any) to each child.

5 The reason(s) for the application

If you are relying on a report or other documentary evidence, state the date(s) and author(s) and enclose a copy.

6 The direction(s) sought

State

- *whether you wish to accompany the constable, if the warrant is granted*
- *whether you wish the constable to be accompanied by a registered medical practitioner, registered nurse or registered midwife, if he so wishes.*

Signed
(Applicant)

Date



In the

Case Number:

Child's Number:

Warrant To assist a person to gain access to a child or entry to premises

Section 102(1) Children Act 1989
Section 79 Childcare Act 2006

To all Police Constables

The Court authorises you to assist

to exercise powers under an enactment as specified on the reverse of this warrant.

You may use reasonable force if necessary.

[You may assist this person to gain access to the child

Name

Gender

Date of birth

described as (please give a brief description of the child)

1

[You may assist this person to gain entry to the premises at

(address)

1

The Court directs

[that you should not be accompanied by the person who applied for the warrant]

[that you may, if you wish, be accompanied by a registered medical practitioner

or a registered nurse

or a registered midwife]

This warrant has been issued with[out] notice.

Ordered by

[Mr] [Mrs] Justice

[His] [Her] Honour Judge

District Judge [of the Family Division] [Magistrates' Court]

Justice[s] of the Peace

on

at

[am] [pm]

The Court is satisfied that the applicant

has been prevented from exercising those powers by

is likely to be prevented from exercising those powers by

PERSON
AUTHORISED
BY THE
LOCAL
AUTHORITY

<i>s62(6) Children Act 1989</i>	<input type="checkbox"/>	{	[being, or likely to be, refused entry to accommodation provided by a voluntary organisation] [being, or likely to be, refused access to a child in accommodation provided by a voluntary organisation]
<i>s64(4) Children Act 1989</i>	<input type="checkbox"/>	{	[being, or likely to be, refused entry to a children's home] [being, or likely to be, refused access to a child in a children's home]
<i>s67(3) Children Act 1989</i>	<input type="checkbox"/>	{	[being, or likely to be, refused entry to a private foster home] [being, or likely to be, refused access to a child in a private foster home]
<i>s86(5) Children Act 1989</i>	<input type="checkbox"/>	{	[being, or likely to be, refused entry to a residential care, nursing or mental nursing home] [being, or likely to be, refused access to a child in a residential care, nursing or mental nursing home]
<i>s87(5) Children Act 1989</i>	<input type="checkbox"/>	{	[being, or likely to be, refused entry to an independent school] [being, or likely to be, refused access to a child in an independent school]

PERSON
AUTHORISED
BY THE
SECRETARY
OF STATE

<i>s80(8) Children Act 1989</i>	<input type="checkbox"/>	{	[being, or likely to be, refused entry to any of the premises specified by Section 80(1) Children Act 1989] [being, or likely to be, refused access to a child in any of the premises specified by Section 80(1) Children Act 1989]
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SUPERVISOR
UNDER THE
SUPERVISION
ORDER

<i>Paragraph 8(1)(b) Schedule 3 Children Act 1989</i>	<input type="checkbox"/>	{	[being, or likely to be, refused entry to accommodation where a supervised child is living]
<i>Paragraph 8(2)(b) Schedule 3 Children Act 1989</i>	<input type="checkbox"/>	{	[being, or likely to be, refused contact with a supervised child by a responsible person]

PERSON AUTHORISED BY THE WELSH MINISTERS	{ <i>s79U</i> <i>Children</i> <i>Act 1989</i> }	<input type="checkbox"/>	{ [being, or likely to be, refused entry to domestic premises where child-minding is carried on] [being, or likely to be, refused access to a child on domestic premises where child-minding is carried on] }
		<input type="checkbox"/>	{ [being, or likely to be, refused entry to premises on which day care for children under the age of 8 is provided] [being, or likely to be, refused access to a child in premises on which day care for children under the age of 8 is provided] }
HER MAJESTY'S CHIEF INSPECTOR OF EDUCATION, CHILDREN'S SERVICES AND SKILLS	{ <i>Section 77(1)</i> <i>Childcare</i> <i>Act 2006</i> <i>Section 77(2)</i> <i>Childcare</i> <i>Act 2006</i> }	<input type="checkbox"/>	[being, or likely to be, refused entry to premises on which the applicant has reasonable cause to believe early years provision or later years provision is being provided in breach of section 33(1), 34(1), 52(1) or 53(1) of the Childcare Act 2006]
		<input type="checkbox"/>	[being, or likely to be, refused entry for a purpose in section 77(2)(a) or (b) to premises on which early years provision or later years provision is being provided]

Application for:
a non-molestation order
an occupation order

Family Law Act 1996 (Part IV)

The court

To be completed by the court

Date issued

Case number

Please read the accompanying notes as you complete this form.

1 About you (the applicant)

State your title (Mr, Mrs etc), full name, address, telephone number and date of birth (if under 18):

State your solicitor's name, address, reference, telephone, FAX and DX numbers:

2 About the respondent

State the respondent's name, address and date of birth (if known):

3 The Order(s) for which you are applying

This application is for:

- a non-molestation order
- an occupation order
- Tick this box if you wish the court to hear your application without notice being given to the respondent. The reasons relied on for an application being heard without notice must be stated in the statement in support.

**4 Your relationship to the respondent
(the person to be served with this
application)**

Your relationship to the respondent is:

(Please tick only one of the following)

- 1 Married
- 2 Civil Partners
- 3 Were married
- 4 Former civil partners
- 5 Cohabiting
- 6 Were cohabiting
- 7 Both of you live or have lived in the same household
- 8 Relative
State how related:
- 9 Agreed to marry.
Give the date the agreement was made.
If the agreement has ended, state when.
- 10 Agreed to form a civil partnership.
Give the date the agreement was made.
If the agreement has ended, state when.
- 11 Both of you are parents of, or have parental responsibility for, a child
- 12 One of you is a parent of a child and the other has parental responsibility for that child

-
- 13 One of you is the natural parent or grandparent of a child adopted, placed or freed for adoption, and the other is:
- (i) the adoptive parent
 - or (ii) a person who has applied for an adoption order for the child
 - or (iii) a person with whom the child has been placed for adoption
 - or (iv) the child who has been adopted, placed or freed for adoption.
- State whether (i), (ii), (iii) or (iv):

- 14 Both of you are the parties to the same family proceedings (see also Section 11 below).

5 Application for a non-molestation order

If you wish to apply for a non-molestation order, state briefly in this section the order you want.

Give full details in support of your application in your supporting evidence.

6 Application for an occupation order

If you do not wish to apply for an occupation order, please go to section 9 of this form.

- (A) State the address of the dwelling-house to which your application relates:
- (B) State whether it is occupied by you or the respondent now or in the past, or whether it was intended to be occupied by you or the respondent:
- (C) State whether you are entitled to occupy the dwelling-house: Yes No
- If yes, explain why:

(D) State whether the respondent is entitled to occupy the dwelling-house: Yes No

If yes, explain why:

On the basis of your answers to (C) and (D) above, tick one of the boxes 1 to 6 below to show the category into which you fit

1 a spouse or civil partner who has home rights in the dwelling-house, or a person who is entitled to occupy it by virtue of a beneficial estate or interest or contract or by virtue of any enactment giving him or her the right to remain in occupation.

If you tick box 1, state whether there is a dispute or pending proceedings between you and the respondent about your right to occupy the dwelling-house.

2 a former spouse or former civil partner with no existing right to occupy, where the respondent spouse or civil partner is so entitled.

3 a cohabitant or former cohabitant with no existing right to occupy, where the respondent cohabitant or former cohabitant is so entitled.

4 a spouse or former spouse who is not entitled to occupy, where the respondent spouse or former spouse is also not entitled.

5 a civil partner or former civil partner who is not entitled to occupy, where the respondent civil partner or former civil partner is also not entitled.

6 a cohabitant or former cohabitant who is not entitled to occupy, where the respondent cohabitant or former cohabitant is also not entitled.

Home Rights

If you do have home rights please:

State whether the title to the land is registered or unregistered (if known):

If registered, state the Land Registry title number (if known):

If you wish to apply for an occupation order, state briefly here the order you want. Give full details in support of your application in your supporting evidence:

7 Application for additional order(s) about the dwelling-house

If you want to apply for any of the orders listed in the notes to this section, state what order you would like the court to make:

8 Mortgage and rent

Is the dwelling-house subject to a mortgage?

Yes No

If yes, please provide the name and address of the mortgagee:

Is the dwelling-house rented?

Yes No

If yes, please provide the name and address of the landlord:

9 At the court

Will you need an interpreter at court?

Yes No

If yes, specify the language:

If you require an interpreter, you must notify the court immediately so that one can be arranged.

If you have a disability for which you require special assistance or special facilities, please state what your needs are. The court staff will get in touch with you about your requirements.

10 Other information

State the name and date of birth of any child living with or staying with, or likely to live with or stay with, you or the respondent:

State the name of any other person living in the same household as you and the respondent, and say why they live there:

11 Other Proceedings and Orders

If there are any other current family proceedings or orders in force involving you and the respondent, state the type of proceedings or orders, the court and the case number. This includes any application for an occupation order or non-molestation order against you by the respondent.

This application is to be served upon the respondent

Signed:

Date:

Application for non-molestation order or occupation order

Notes for guidance

Section 1

If you do not wish your address to be made known to the respondent, leave the space on the form blank and complete Confidential Address Form C8. The court can give you this form.

If you are under 18, someone over 18 must help you make this application. That person, who might be one of your parents, is called a 'next friend'.

If you are under 16, you need permission to make this application. You must apply to the High Court for permission, using this form. If the High Court gives you permission to make this application, it will then either hear the application itself or transfer it to a county court.

Section 3

An urgent order made by the court before the notice of the application is served on the respondent is called an ex-parte order. In deciding whether to make an ex-parte order the court will consider all the circumstances of the case, including:

- any risk of significant harm to the applicant or a relevant child, attributable to conduct of the respondent, if the order is not made immediately
- whether it is likely that the applicant will be deterred or prevented from pursuing the application if an order is not made immediately
- whether there is reason to believe that the respondent is aware of the proceedings but is deliberately evading service and that the applicant or a relevant child will be seriously prejudiced by the delay involved.

If the court makes an ex-parte order, it must give the respondent an opportunity to make representations about the order as soon as just and convenient at a full hearing.

'Harm' in relation to a person who has reached the age of 18 means ill-treatment or the impairment of health, and in relation to a child means ill-treatment or the impairment of health and development.

'Ill-treatment' includes forms of ill-treatment which are not physical and, in relation to a child, includes sexual abuse. The court will require evidence of any harm which you allege in support of your application.

Section 4

For you to be able to apply for an order you must be related to the respondent in one of the ways listed in this section of the form. If you are not related in one of these ways you should seek legal advice.

Cohabitants are two persons who, although not married to each other, nor civil partners of each other, are living together as husband and wife or civil partners. People who have cohabited, but have then married or formed a civil partnership will not fall within this category but will fall within the category of married people or people who are civil partners of each other.

Those who live or have lived in the same household do not include people who share the same household because one of them is the other's employee, tenant, lodger or boarder.

You will only be able to apply as a relative of the respondent if you are:

(A) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson, granddaughter of the respondent or of the respondent's spouse, former spouse, civil partner or former civil partner.

(B) the brother, sister, uncle, aunt, niece, nephew or first cousin (whether of the full blood or of the half blood or by marriage or by civil partnership) of the respondent or of the respondent's spouse, former spouse, civil partner or former civil partner.

This includes, in relation to a person who is living or has lived with another person as husband and wife or as civil partners, any person who would fall within (A) or (B) if the parties were married to, or civil partners of, each other (for example, your cohabitee's father or brother).

Agreements to marry: You will fall within this category only if you make this application within three years of the termination of the agreement. The court will require the following evidence of the agreement:

- evidence in writing
- or the gift of an engagement ring in contemplation of marriage
- or evidence that a ceremony has been entered into in the presence of one or more other persons assembled for the purpose of witnessing it.

Agreements to form a civil partnership: You will fall within this category only if you make this application within three years of the termination of the agreement. The court will require the following evidence of the agreement:

- evidence in writing
- or a gift from one party to the agreement to the other as a token of the agreement
- or evidence that a ceremony has been entered into in the presence of one or more other persons assembled for the purpose of witnessing it.

Parents and parental responsibility:

You will fall within this category if

- both you and the respondent are either the parents of the child or have parental responsibility for that child
- or if one of you is the parent and the other has parental responsibility.

Section 4 continued

Under the Children Act 1989, parental responsibility is held automatically by a child's mother, and by the child's father if he and the mother were married to each other at the time of the child's birth or have married subsequently. Where, a child's father and mother are not married to each other at the time of the child's birth, the father may also acquire parental responsibility for that child, if he registers the birth after 1st December 2003, in accordance with section 4(1)(a) of the Children Act 1989. Where neither of these circumstances apply, the father, in accordance with the provisions of the Children Act 1989, can acquire parental responsibility.

From 30 December 2005, where a person who is not the child's parent ("the step-parent") is married to, or a civil partner of, a parent who has parental responsibility for that child, he or she may also acquire parental responsibility for the child in accordance with the provisions of the Children Act 1989.

From 1st September 2009, specific provision has been made in relation to parental responsibility in certain cases involving assisted reproduction. Parental responsibility is held automatically by a woman if—

- she and the child's mother were in a civil partnership with each other at the time of treatment unless that woman did not consent to the treatment; or
- she is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 and subsequently enters into a civil partnership with the mother.

A woman who is a parent of the child by virtue of section 43 of the 2008 Act but who does not subsequently enter into a civil partnership with the mother may acquire parental responsibility in accordance with the provisions of section 4ZA of the Children Act 1989

Section 5

A non-molestation order can forbid the respondent from molesting you or a relevant child. Molestation can include, for example, violence, threats, pestering and other forms of harassment. The court can forbid particular acts of the respondent, molestation in general, or both.

Section 6

If you wish to apply for an occupation order but you are uncertain about your answer to any question in this part of the application form, you should seek legal advice.

(A) A dwelling-house includes any building or part of a building which is occupied as a dwelling; any caravan, houseboat or structure which is occupied as a dwelling; and any yard, garden, garage or outhouse belonging to it and occupied with it.

(C) & (D) The following questions give examples to help you to decide if you or the respondent, or both of you, are entitled to occupy the dwelling-house:

- (a) Are you the sole legal owner of the dwelling-house?
- (b) Are you and the respondent joint legal owners of the dwelling-house?
- (c) Is the respondent the sole legal owner of the dwelling-house?
- (d) Do you rent the dwelling-house as a sole tenant?
- (e) Do you and the respondent rent the dwelling-house as joint tenants?
- (f) Does the respondent rent the dwelling-house as a sole tenant?

If you answer

- **Yes** to (a), (b), (d) or (e) you are likely to be entitled to occupy the dwelling-house
- **Yes** to (c) or (f) you may not be entitled (unless, for example, you are a spouse or civil partner and have home rights – see notes under 'Home Rights' below)
- **Yes** to (b), (c), (e) or (f), the respondent is likely to be entitled to occupy the dwelling-house
- **Yes** to (a) or (d) the respondent may not be entitled (unless, for example, he or she is a spouse or civil partner and has home rights).

Box 1 For example, if you are sole owner, joint owner or if you rent the property. If you are not a spouse, former spouse, civil partner, former civil partner, cohabitant or former cohabitant of the respondent, you will only be able to apply for an occupation order if you fall within this category.

If you answer yes to this question, it will not be possible for a magistrates' court to deal with the application, unless the court decides that it is unnecessary for it to decide this question in order to deal with the application or make the order. If the court decides that it cannot deal with the application, it will transfer the application to a county court.

Box 2 For example, if the respondent is or was married to you, or if you and the respondent are or were civil partners, and he or she is sole owner or rents the property.

Box 3 For example, if the respondent is or was cohabiting with you and is sole owner or rents the property.

Home Rights

Where one spouse or civil partner "**(A)**" is entitled to occupy the dwelling-house by virtue of a beneficial estate or interest or contract or by virtue of any enactment giving him or her the right to remain in occupation, and the other spouse or civil partner "**(B)**" is not so entitled, then **B** (who is not entitled) has home rights.

The rights are

- (a) if **B** is in occupation, not to be evicted or excluded from the dwelling-house except with the leave of the court; and
- (b) if **B** is not in occupation, the right, with the leave of the court, to enter into and occupy the dwelling-house.

Section 6 (continued)

Note: Home Rights do not exist if the dwelling-house has never been, and was never intended to be, the matrimonial or civil partnership home of the two spouses or civil partners. If the marriage or civil partnership has come to an end, home rights will also have ceased, unless a court order has been made during the marriage or civil partnership for the rights to continue after the end of that relationship.

Occupation Orders

The possible orders are:

If you have ticked box 1 above, an order under section 33 of the Act may:

- enforce the applicant's entitlement to remain in occupation as against the respondent
- require the respondent to permit the applicant to enter and remain in the dwelling-house or part of it
- regulate the occupation of the dwelling-house by either or both parties
- if the respondent is also entitled to occupy, the order may prohibit, suspend or restrict the exercise by him, of that right
- restrict or terminate any home rights of the respondent
- require the respondent to leave the dwelling-house or part of it
- exclude the respondent from a defined area around the dwelling-house
- declare that the applicant is entitled to occupy the dwelling-house or has home rights in it
- provide that the home rights of the applicant are not brought to an end by the death of the other spouse or civil partner or termination of the marriage or civil partnership.

If you have ticked box 2 or box 3 above, an order under section 35 or 36 of the Act may:

- give the applicant the right not to be evicted or excluded from the dwelling-house or any part of it by the respondent for a specified period
- prohibit the respondent from evicting or excluding the applicant during that period
- give the applicant the right to enter and occupy the dwelling-house for a specified period
- require the respondent to permit the exercise of that right
- regulate the occupation of the dwelling-house by either or both of the parties
- prohibit, suspend or restrict the exercise by the respondent of his right to occupy
- require the respondent to leave the dwelling-house or part of it
- exclude the respondent from a defined area around the dwelling-house.

If you have ticked box 4 or box 5 above, an order under section 37 or 38 of the Act may:

- require the respondent to permit the applicant to enter and remain in the dwelling-house or part of it
- regulate the occupation of the dwelling-house by either or both of the parties
- require the respondent to leave the dwelling-house or part of it
- exclude the respondent from a defined area around the dwelling-house.

You should provide any evidence which you have on the following matters in your evidence in support of this application. If necessary, further statements may be submitted after the application has been issued.

If you have ticked box 1, box 4 or box 5 above, the court will need any available evidence of the following:

- the housing needs and resources of you, the respondent and any relevant child
- the financial needs of you and the respondent
- the likely effect of any order, or any decision not to make an order, on the health, safety and well-being of you, the respondent and any relevant child
- the conduct of you and the respondent in relation to each other and otherwise.

If you have ticked box 2 above, the court will need any available evidence of:

- the housing needs and resources of you, the respondent and any relevant child
- the financial resources of you and the respondent
- the likely effect of any order, or of any decision not to make an order on the health, safety and well-being of you, the respondent and any relevant child
- the conduct of you and the respondent in relation to each other and otherwise
- the length of time that has elapsed since you and the respondent ceased to live together
- where you and the respondent were married, the length of time that has elapsed since the marriage was dissolved or annulled
- where you and the respondent were civil partners, the length of time that has elapsed since the dissolution or annulment of the civil partnership

Section 6 (continued)

- the existence of any pending proceedings between you and the respondent:
 - under section 23A of the Matrimonial Causes Act 1973 (property adjustment orders in connection with divorce proceedings etc.)
- or under Part 2 of Schedule 5 to the Civil Partnership Act 2004 (property adjustment on or after dissolution, nullity or separation)
- or under Schedule 1 para 1(2)(d) or (e) of the Children Act 1989 (orders for financial relief against parents)
- or relating to the legal or beneficial ownership of the dwelling-house.

If you have ticked box 3 above, the court will need any available evidence of:

- the housing needs and resources of you, the respondent and any relevant child
- the financial resources of you and the respondent
- the likely effect of any order, or of any decision not to make an order, on the health, safety and well-being of you, the respondent and any relevant child
- the conduct of you and the respondent in relation to each other and otherwise
- the nature of your and the respondent's relationship
- the length of time during which you have lived together as husband and wife or civil partners
- whether you and the respondent have had any children, or have both had parental responsibility for any children
- the length of time that has elapsed since you and the respondent ceased to live together
- the existence of any pending proceedings between you and the respondent under Schedule 1 para 1(2)(d) or (e) of the Children Act 1989 or relating to the legal or beneficial ownership of the dwelling-house.

Section 7

Under section 40 of the Act the court may make the following additional orders when making an occupation order:

- impose on either party obligations as to the repair and maintenance of the dwelling-house
- impose on either party obligations as to the payment of rent, mortgage or other outgoings affecting it
- order a party occupying the dwelling-house to make periodical payments to the other party in respect of the accommodation, if the other party would (but for the order) be entitled to occupy it
- grant either party possession or use of furniture or other contents

- order either party to take reasonable care of any furniture or other contents
- order either party to take reasonable steps to keep the dwelling-house and any furniture or other contents secure.

Section 8

If the dwelling-house is rented or subject to a mortgage, the landlord or mortgagee must be served with notice of the proceedings in Form FL416. He or she will then be able to make representations to the court regarding the rent or mortgage.

Section 10

A person living in the same household may, for example, be a member of the family or a tenant or employee of you or the respondent.

Application for a Forced Marriage Protection Order

Part 4A Family Law Act 1996

To be completed by the court	
Date issued	<input type="text"/>
Case number	<input type="text"/>
Name of court	<input type="text"/>

Please read the accompanying notes on page 6 as you complete this form

1 About you (the applicant)

Are you (tick only one box)

- the person who is to be protected by this order (see page 6)
- a relevant third party (see page 6)
- any other person (see page 6)

Mr. Mrs. Ms. Miss Other _____

Full name

If you do not wish your address to be made known to the respondent, leave this space blank and complete Confidential Address Form C8 (if you have not already done so). See notes for guidance on page 6.

<p>Address</p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div> <p style="text-align: right;">Postcode</p> <div style="display: flex; justify-content: flex-end;"> <input style="width: 20px; height: 20px; margin-right: 5px;" type="text"/> <input style="width: 20px; height: 20px; margin-right: 5px;" type="text"/> <input style="width: 20px; height: 20px; margin-right: 5px;" type="text"/> <input style="width: 20px; height: 20px; margin-right: 5px;" type="text"/> <input style="width: 20px; height: 20px; margin-right: 5px;" type="text"/> <input style="width: 20px; height: 20px;" type="text"/> </div>	<p>Telephone no. (optional)</p> <input style="width: 100%; height: 20px;" type="text"/> <p>Date of birth (if under 18)</p> <input style="width: 20px; height: 20px; margin-right: 5px;" type="text"/> <input style="width: 20px; height: 20px; margin-right: 5px; border-left: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; margin-right: 5px; border-left: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; margin-right: 5px; border-left: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; margin-right: 5px; border-left: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; margin-right: 5px; border-left: 1px solid black;" type="text"/> <input style="width: 20px; height: 20px; border-left: 1px solid black;" type="text"/>
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For relevant third parties and any other person

Name of organisation (if applicable)

Position held in the organisation

Your solicitor's details (leave blank if you are representing yourself)

Full name

Name of firm

Address

Postcode

DX no.

Reference no.

Telephone no.

Fax no.

2 About the person to be protected (see notes on page 6)

Mr. Mrs. Ms. Miss Other _____

Full name

If you do not wish the following address to be made known to the respondent, leave this space blank and complete Confidential Address Form C8 (if you have not already done so). See notes for guidance on page 6.

Address

Postcode

Date of birth (if known)
/ /

Tick this box if you do not know the date of birth but believe the person to be protected is under 18 years.

3 Your reasons for applying on behalf of the person to be protected

(for Relevant Third Party applications only e.g. local authority applicants)

State briefly your reasons including:

- what you know of the circumstances of the person to be protected;
- the wishes and feelings of the person to be protected so far as you know them.

4 About the respondent(s)

If there are more than two respondents please continue on a separate sheet of paper.

Mr. Mrs. Ms. Miss Other _____

Full name

Address

Postcode

Date of birth (if known)

//

Mr. Mrs. Ms. Miss Other _____

Full name

Address

Postcode

Date of birth (if known)

//

5 The Order(s) for which you are applying

State what you want the order to say (for examples see page 6). Give full details in support of your application below (continue on a separate sheet if necessary) or in a separate statement. Include details of any violence that the respondent has used or threatened.

Tick this box if you wish the court to hear your application without notice being given to the respondent. The reasons relied on for an application being heard without notice must be stated in the sworn statement in support. (See notes for guidance on page 6.)

6 At the court

If you or the person to be protected requires an interpreter, you must notify the court now so that one can be arranged.

Will you or the person to be protected need an interpreter at court?

Yes No

If Yes, specify the language and dialect:

If you or the person to be protected has a disability for which you require special assistance or special facilities, please state what is needed. The court staff will then get in touch with you.

Please say whether the court needs to make any special arrangements for you or the person to be protected, to attend court (e.g. providing you with a separate waiting room from the respondent or other security provisions).

7 Other information

This could include name and address of any other persons who may become involved as a respondent.

8 Other Proceedings and Orders

If there are any other current family proceedings or orders in force involving you, the respondent(s) or the person to be protected, then where known, state the type of proceedings or orders, the court and the case number. Please attach a copy of the order if available.

This application is to be served upon the respondent and the person to be protected by the order

Signed:

Date:

Application for a Forced Marriage Protection Order

Notes for guidance

Please read these notes with the leaflet FL701 'Forced Marriage Protection Orders'

Section 1 - Applicants

There are three types of applicant. The person to be protected, someone on their behalf and a relevant third party.

If you are the person to be protected and are applying yourself for an order, with or without legal representation, you are also the applicant. Fill in section 1 only, and then go to section 4.

A relevant third party applicant is a person or organisation that is allowed to make an application on behalf of another without the leave of the court. Only the Lord Chancellor can make a person or organisation a relevant third party. Local authorities, for example, have been specified as relevant third parties.

If you are not a relevant third party and you are not the person who is to be protected by the order you can still make the application, but you need the court's permission. The court can give you the form (FL430) to apply for permission.

Address details

If you **do not** wish your address, or the address of any person named in the application form to be made known to the respondent, leave the space(s) on the form blank and complete Confidential Address Form C8. The court can give you this form.

Section 2 - Person to be protected

This section only needs to be completed if you are applying on behalf of someone. If you are the person to be protected by the order, leave this section blank.

Address details

If you do not wish the address of the person to be protected to be made known to the respondent, leave the space blank and complete Confidential Address form C8. The court can give you this form.

Section 4 - Respondents

A person who you want the court to make an order against is called the respondent. There may be more than one respondent.

If you know of other people who may become involved as a respondent include their details in section 6.

Section 5 - The Order

A forced marriage protection order protects a person from being forced into marriage or a person who has been forced into marriage. Each Forced Marriage Protection Order is specific to each case and contains terms that change the behaviour of the respondent and other people.

Examples of what you might want the court to order are:

- that the respondent does not take you abroad to be forced into marriage
- that the respondent behave in a different way
- that the respondent hands over your passport and travel documents to the court.

In section 5 or in a separate statement say why you are applying and give full details. Include details of violence the respondent has used or threatened, so the court can consider a power of arrest.

Urgent orders

An urgent order made by the court before the notice of the application is served on the respondent is called a without notice order. In deciding whether to make a without notice order the court will consider all the circumstances of the case, including:

- any risk of significant harm to the person to be protected or another person, if the order is not made immediately
- whether it is likely that the applicant will be deterred or prevented from pursuing the application if an order is not made immediately
- whether there is reason to believe that the respondent is aware of the proceedings but is deliberately evading service and the person to be protected or the applicant will be seriously prejudiced by the delay.

If you are applying for a 'without notice' order you must include the reasons why the court should deal with the application without notifying the respondent first. You must make a sworn statement. The court can tell you how to do this.

continued over the page »

If the court makes a 'without notice' order, it must give the respondent or other person an opportunity to make representations about the order as soon as just and convenient at a full hearing.

Further details

Further information on making an application is contained in the leaflet FL701 'Forced Marriage Protection Orders'. The leaflet contains information on coming to court, the power of arrest and what happens if a respondent or other person fails to obey a court order.

You can download this leaflet and details of your local court from our website
www.hmcourts-service.gov.uk

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Rules 1991 (“the 1991 Rules”).

Rule 4 amends rule 3.14 which relates to an application for a declaration of legitimacy or legitimation. The rule is amended to avoid reference to ‘maiden name’. Details must be given of any change of name of the petitioner’s mother and this will include a change of name on entry into a civil partnership.

Rules 5 to 8 and 20, and the substitution of Form FL401 in rule 18, are consequential on the coming into force of certain provisions of the Human Fertilisation and Embryology Act 2008 (c.22) (the “2008 Act”). Rules 8 and 20(b) are consequential on sections 35 to 43 of the 2008 Act which set out when a man is the father or a woman (not being the mother) is a parent of a child in cases of assisted reproduction.

Rules 5 to 7 and 20(a) are consequential on changes made to section 2 of and the insertion of section 4ZA into the Children Act 1989 (c.41) (“the 1989 Act”) by the 2008 Act. The amended section 2 provides that a woman who is a parent by virtue of section 42 of the 2008 Act has parental responsibility for the child. It further provides for when a woman who is a parent by virtue of section 43 of the 2008 Act has or may acquire parental responsibility. Rules 5 to 7 and 20(a) ensure that the procedure in relation to applications under section 4ZA (acquisition of parental responsibility by second female parent) mirror that in relation to applications under section 4 (acquisition of parental responsibility by father). The opportunity is also taken to include references where applicable to section 4A (acquisition of parental responsibility by step-parent).

Section 4 of the notes to Form FL401 has been updated to reflect the amendments to section 2 of the 1989 Act in relation to parental responsibility.

Rules 3 and 9 to 17 amend the rules relating to the process for appeals against a regular deduction order made under section 32A of the Child Support Act 1991 (c. 48) (“the Act”), a lump sum deduction order made under section 32F of the Act, a decision of the Child Maintenance and Enforcement Commission (“the Commission”) on an application for a review of a regular deduction order and a refusal of consent to disapply sections 32G(1) and 32H(2)(b) of the Act by the Commission (“deduction order appeals”). These appeals against orders and decisions made by the Commission are to come to a county court in accordance with regulation 25AB of the Child Support (Collection and Enforcement) Regulations 1992 (S.I. 1992/1989).

These Rules amend Rules 8.A1, 8.2, 8.2A, 8.2B, 8.2C, 8.2E, 8.2F and 8.2G of the 1991 Rules and insert a new rule 8.2FF (appeal court’s powers: deduction order appeals).

Rule 3 amends the entries in the Arrangement of Rules to the 1991 Rules to refer to the new 8.2FF and for rule 8.2 to include deduction order appeals to a county court and appeals from a district judge to a judge relating to deduction order appeals.

Rule 9 substitutes a new rule 8.A1 of the 1991 Rules. The new rule contains revised definitions of “the court below” and “the appeal court” and additional definitions of “the Commission” and “deduction order appeal”. It also makes provision for determining the appellant and respondent in deduction order appeals.

Rule 10 amends the heading to rule 8.2 of the 1991 Rules in the same way as the Arrangement of Rules. The other amendments to this rule include provision for deduction order appeals and appeals from a district judge to a judge of the court in which the decision was made relating to a deduction order appeal to be added to the list of appeals to which rules 8.2A to 8.2H apply.

Rule 11 amends rule 8.2A of the 1991 Rules to make provision for the time limit for appealing in deduction order appeals. It also makes provision for the documents to be served on the Commission and any other respondent by the appellant and the provision of information and

evidence by the Commission to the court and the other parties to the appeal within a specified time.

Rule 12 amends rule 8.2B of the 1991 Rules setting out the contentions which may be made by a respondent and the Commission as respondent to the appeal and the procedure for doing so.

Rule 13 amends rule 8.2C of the 1991 Rules. The provisions of this rule exclude an appeal under section 32F of the Act from the scope of the rule which provides for an appeal not to operate as a stay of proceedings on the order or decision appealed against.

Rule 14 amends rule 8.2E of the 1991 Rules to add the hearing of deduction order appeals to the powers of a district judge.

Rule 15 amends rule 8.2F of the 1991 Rules to provide that the rule does not apply to deduction order appeals. In addition, an amendment is made excluding the court's power to make orders for payment of interest where there is an appeal against the decision of a district judge in proceedings relation to a deduction order appeal.

Rule 16 inserts a new rule 8.2FF (appeal court's powers: deduction order appeals). The new rule sets out the powers of the court in deduction order appeals.

Rule 17 amends rule 8.2G of the 1991 Rules to provide that deduction order appeals are by way of a re-hearing unless the appeal court orders otherwise.

Rule 18 substitutes a number of forms in Appendix 1 to the 1991 Rules in the light of amendments made to those forms. Form FL401 is referred to above.

Form C13A (supplement for an application for a special guardianship order) is amended in consequence of the new section 14A(5)(e) of the 1989 Act inserted by section 38 of the Children and Young Persons Act 2008 (c.23). This permits a relative with whom the child has lived for at least one year immediately preceding the application to apply for a special guardianship order without the leave of the court.

Form C19 (warrant of assistance) is amended to remove the reference to section 33 of the Adoption Act 1976 (c.36) which is no longer needed. The opportunity is taken to insert references to the 1989 Act in section 3 of the form where appropriate.

Form C28 (warrant to assist a person to gain access to a child or entry to premises) is amended in consequence of section 79 (power of constable to assist in exercise of powers of entry) of the Childcare Act 2006 (c.21). The form now refers to section 79 and, in relation to the exercise of powers in England, to section 77 of the Childcare Act 2006. The form also makes provision for a warrant under section 102 of the 1989 Act and, in relation to the exercise of powers in Wales, under section 79U of that Act. References to section 76(2) of the 1989 Act and section 33 of the Adoption Act 1976 have been removed as they are no longer needed.

Section 4 of the notes to Form FL401 (application for a non-molestation order/an occupation order) has been revised to reflect changes made to section 2 of and the insertion of section 4ZA into the 1989 Act by the 2008 Act. The amended section 2 provides that a woman who is a parent by virtue of section 42 of the 2008 Act has parental responsibility for the child. It further provides for when a woman who is a parent by virtue of section 43 of the 2008 Act has or may acquire parental responsibility.

Rule 19 substitutes Form FL401A. The form is amended in consequence of the Lord Chancellor's specification of a local authority as a relevant third party under section 63C(2)(b) of the Family Law Act 1996 (c.27). A relevant third party may apply for a forced marriage protection order without the leave of the court.

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