
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 32

REGISTRATION AND ENFORCEMENT OF ORDERS

CHAPTER 1

SCOPE AND INTERPRETATION OF THIS PART

Scope and interpretation

32.1.—(1) This Part contains rules about the registration and enforcement of maintenance orders and custody orders.

[^{F1}(2) In this Part, “the 1950 Act” means the Maintenance Orders Act 1950.]

(3) Chapter 2 of this Part relates to—

- (a) the registration of a maintenance order, made in the High Court or [^{F2}the family court], in a court in Scotland or Northern Ireland in accordance with the 1950 Act; and
- (b) the registration of a maintenance order, made in Scotland or Northern Ireland, in the High Court in accordance with the 1950 Act.

^{F3}
...

[^{F4}(4) Chapter 3 of this Part contains rules to be applied in the family court in relation to the registration in the family court of a maintenance order made in the High Court, in accordance with the 1958 Act.]

(5) Chapter 4 of this Part relates to the registration and enforcement of custody orders in accordance with the 1986 Act.

[^{F5}(6) Chapter 5 of this Part relates to the ability of a court officer to take enforcement proceedings in relation to certain orders for periodical payments.]

Textual Amendments

- F1** Rule 32.1(2) substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), [rules 1, 16](#)
- F2** Words in rule 32.1(3)(a) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 76\(a\)\(i\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)
- F3** Words in rule 32.1(3) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 76\(a\)\(ii\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)
- F4** Rule 32.1(4) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 76\(b\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)
- F5** Rule 32.1(6) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 76\(c\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)

Status: Point in time view as at 11/01/2015.

*Changes to legislation: There are currently no known outstanding effects for the
The Family Procedure Rules 2010, PART 32. (See end of Document for details)*

CHAPTER 2

REGISTRATION ETC. OF ORDERS UNDER THE 1950 ACT

SECTION 1

Interpretation of this Chapter

Interpretation

32.2. In this Chapter—

“the clerk of the Court of Session” means the deputy principal clerk in charge of the petition department of the Court of Session;

[^{F6}“the clerk of the court which made the order” means, in the case of a county court in Northern Ireland, the Chief Clerk for the appropriate court in Northern Ireland;]

^{F7}
...

[^{F8}“family court order” means a maintenance order made in the family court;]

“High Court order” means a maintenance order made in the High Court;

“maintenance order” means a maintenance order to which section 16 of the 1950 Act applies;

[^{F9}“Northern Irish order” means a maintenance order made by a court in Northern Ireland;]

“the register” means the register kept for the purposes of the 1950 Act;

“the registrar in Northern Ireland” means the chief registrar of the Queen's Bench Division (Matrimonial) of the High Court of Justice in Northern Ireland;

“registration” means registration under Part 2 of the 1950 Act and “registered” is to be construed accordingly; and

[^{F10}“Scottish order” means a maintenance order made by a court in Scotland.]

Textual Amendments

- F6** Words in rule 32.2 inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **77(a)** (with rule 137); S.I. 2014/954, **art. 2**
- F7** Words in rule 32.2 omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **77(b)** (with rule 137); S.I. 2014/954, **art. 2**
- F8** Words in rule 32.2 inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **77(c)** (with rule 137); S.I. 2014/954, **art. 2**
- F9** Words in rule 32.2 substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **77(d)** (with rule 137); S.I. 2014/954, **art. 2**
- F10** Words in rule 32.2 substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **77(e)** (with rule 137); S.I. 2014/954, **art. 2**

SECTION 2

Registration etc of High Court and [^{FH}family court] orders

Textual Amendments

- F11** Words in Pt. 32 Ch. 2 Section 2 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **78** (with art. 137); S.I. 2014/954, **art. 2**

Registration of a High Court order

32.3.—(1) An application for the registration of a High Court order may be made by sending to a court officer at the court which made the order—

- (a) a certified copy of the order; and
- (b) a statement which—
 - (i) contains the address in the United Kingdom, and the occupation, of the person liable to make payments under the order;
 - (ii) contains the date on which the order was served on the person liable to make payments, or, if the order has not been served, the reason why service has not been effected;
 - (iii) contains the reason why it is convenient for the order to be enforced in Scotland or Northern Ireland, as the case may be;
 - (iv) contains the amount of any arrears due to the applicant under the order;
 - (v) confirms that the order is not already registered; and
 - (vi) is verified by a statement of truth.

(2) If it appears to the court that—

- (a) the person liable to make payments under the order resides in Scotland or Northern Ireland; and
- (b) it is convenient for the order to be enforced there,

the court officer will send the documents filed under paragraph (1) to the clerk of the Court of Session or to the registrar in Northern Ireland, as the case may be.

(3) On receipt of a notice of the registration of a High Court order in the Court of Session or the Court of Judicature of Northern Ireland, the court officer (who is the prescribed officer for the purposes of section 17(4) of the 1950 Act) will—

- (a) enter particulars of the notice of registration in the register;
- (b) note the fact of registration in the court records; and
- (c) send particulars of the notice to the principal registry.

Notice of Variation etc. of a High Court order

32.4.—(1) This rule applies where a High Court order, which is registered in the Court of Session or the Court of Judicature of Northern Ireland, is discharged or varied.

(2) A court officer in the court where the order was discharged or varied will send a certified copy of that order to the clerk of the Court of Session or the registrar in Northern Ireland, as the case may be.

Status: Point in time view as at 11/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Family Procedure Rules 2010, PART 32. (See end of Document for details)

Cancellation of registration of a High Court order [^{F12}by the court of registration]

32.5.—(1) This rule applies where—

- (a) the registration of a High Court order registered in the Court of Session or the Court of Judicature of Northern Ireland is cancelled under section 24(1) of the 1950 Act; and
- (b) notice of the cancellation is given to a court officer in the court in which the order was made (who is the prescribed officer for the purposes of section 24(3)(a) of the 1950 Act^{M1}).

(2) On receipt of a notice of cancellation of registration, the court officer will enter particulars of the notice in ^{F13}... the register.

Textual Amendments

F12 Words in rule 32.5 heading inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 79\(a\)](#) (with [rule 137](#)); [S.I. 2014/954](#), [art. 2](#)

F13 Words in rule 32.5(2) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 79\(b\)](#) (with [rule 137](#)); [S.I. 2014/954](#), [art. 2](#)

Marginal Citations

M1 [Section 24\(3\)\(a\)](#) was amended by section 3 of and paragraph 9 of Schedule 3 to the [Administration of Justice Act 1977 \(c.38\)](#).

[^{F14}Cancellation of registration of a High Court order by the High Court

32.5A. The Part 19 procedure applies to an application to the High Court under section 24(2) of the 1950 Act.]

Textual Amendments

F14 Rule 32.5A inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 80](#) (with [rule 137](#)); [S.I. 2014/954](#), [art. 2](#)

Application of this Chapter to a [^{F15}family court] order

32.6. Rules 32.3 to [^{F16}32.5A] apply to [^{F17}a family court order] as if—

- (a) references to a High Court order were references to a [^{F18}family court] order;

[^{F19}(aa) in rule 32.5A, references to the High Court were to the family court;]

- (b) where the order is to be registered in Scotland, references to the Court of Session and the clerk of the Court of Session were references to the sheriff court and the sheriff-clerk of the sheriff court respectively; and
- (c) where the order is to be registered in Northern Ireland, references to the Court of Judicature of Northern Ireland and the registrar of Northern Ireland were references to the court of summary jurisdiction and the clerk of the court of summary jurisdiction respectively.

Textual Amendments

F15 Words in rule 32.6 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 81\(a\)](#) (with [rule 137](#)); [S.I. 2014/954](#), [art. 2](#)

- F16** Word in rule 32.6 substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 81\(b\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F17** Words in rule 32.6 substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 81\(c\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F18** Words in rule 32.6(a) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 81\(d\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F19** Rule 32.6(aa) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 81\(e\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

[^{F20}Variation of a family court order: section 22(1) of the 1950 Act

32.6A. Where a family court order, which is registered in a court in Scotland or Northern Ireland, is varied under section 22(1) of the 1950 Act by the court in which it is registered—

- (a) the court officer for the court which made the order will be the prescribed officer to whom notice of the variation must be given under section 23(1) of the 1950 Act; and
- (b) on receipt of a notice under section 23(1) of the 1950 Act, the court officer will enter particulars of the notice in the register.

Textual Amendments

- F20** Rules 32.6A, 32.6B inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 82](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

Application to adduce evidence: section 22(5) of the 1950 Act

32.6B.—(1) The Part 18 procedure applies to an application under section 22(5) of the 1950 Act where a maintenance order was made by the family court.

(2) The family court will send a transcript or summary of any evidence taken to the clerk of the court in which the order is registered.

(3) The court officer for the court in England and Wales which made the maintenance order will be the prescribed officer to whom any transcript or summary of evidence adduced in the court in Scotland or Northern Ireland must be sent under section 22(5) of the 1950 Act.]

Textual Amendments

- F20** Rules 32.6A, 32.6B inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 82](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

SECTION 3

Registration etc. of Scottish and Northern Irish orders

Registration of Scottish and Northern Irish orders

32.7. On receipt of a certified copy of a Scottish order or a Northern Irish order for registration, a court officer in the principal registry (who is the prescribed [^{F21}in the High Court] officer for the purposes of section 17(2) of the 1950 Act) [^{F22}or a court officer in the family court (who is the prescribed officer in the family court for the purposes of section 17(2) of the 1950 Act)] will—

- (a) enter particulars of the order in ^{F23}... the register;

Status: Point in time view as at 11/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Family Procedure Rules 2010, PART 32. (See end of Document for details)

- (b) notify the clerk of [^{F24}the court which made the order] or the registrar in Northern Ireland, as the case may be, that the order has been registered; and
- (c) file the certified copy of the order and any statutory declaration, affidavit^(GL) or statement as to the amount of any arrears due under the order.

[^{F25}(Section 17(3) of the 1950 Act makes provision as to the court in England and Wales to which a Northern Irish order or a Scottish order should be sent, which depends on which court originally made the order.)]

Textual Amendments

- F21** Words in rule 32.7 inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 83\(a\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F22** Words in rule 32.7 inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 83\(b\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F23** Words in rule 32.7(a) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 83\(c\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F24** Words in rule 32.7(b) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 83\(d\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F25** Words in rule 32.7 inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 83\(e\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

[^{F26}Application to adduce evidence: sections 21(2) and 22(5) of the 1950 Act

32.8.—(1) The Part 18 procedure applies to the applications under these provisions of the 1950 Act—

- (a) an application to the High Court to adduce evidence under section 21(2) by a person liable to make payments under a Scottish order registered in the High Court;
- (b) an application to the family court to adduce evidence under section 21(2) by a person liable to make payments under a Scottish order registered in the High Court under the 1950 Act and registered in the family court under Part 1 of the 1958 Act; and
- (c) an application to the family court to adduce evidence under section 22(5) by a person entitled to payments or a person liable to make payments under a Scottish order or a Northern Irish order registered in the family court under Part 1 of the 1950 Act.

(2) The court officer for the family court (being the court in which the order is registered) will be the prescribed officer under section 22(5) of the 1950 Act to whom any transcript or summary of evidence adduced in the court in Scotland or Northern Ireland by which the order was made must be sent.]

Textual Amendments

- F26** Rule 32.8 substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 84](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

Notice of variation etc. of Scottish and Northern Irish orders

32.9.—(1) This rule applies where—

- (a) a Scottish order or a Northern Irish order, which is registered in the High Court [^{F27}or the family court], is discharged or varied [^{F28}by the court in Scotland or Northern Ireland]; and

- (b) notice of the discharge or variation is given to [^{F29}the court officer in the High Court or in the family court, as the case may be] (who is the prescribed officer for the purposes of section 23(1)(a) of the 1950 Act ^{M2}).

(2) On receipt of a notice of discharge or variation, the court officer will enter particulars of the notice in ^{F30}... the register.

Textual Amendments

- F27** Words in rule 32.9(1)(a) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **85(a)(i)** (with rule 137); S.I. 2014/954, **art. 2**
- F28** Words in rule 32.9(1)(a) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **85(a)(ii)** (with rule 137); S.I. 2014/954, **art. 2**
- F29** Words in rule 32.9(1)(b) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **85(b)** (with rule 137); S.I. 2014/954, **art. 2**
- F30** Words in rule 32.9(2) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **85(c)** (with rule 137); S.I. 2014/954, **art. 2**

Marginal Citations

- M2** [Section 23\(1\)\(a\)](#) was amended by section 3 of and paragraph 8 of Schedule 3 to the Administration of Justice Act 1977.

[^{F31}Variation of Scottish and Northern Irish orders by the family court

32.9A.—(1) The Part 18 procedure applies to an application to the family court under section 22(1) of the 1950 Act to vary a Scottish order or a Northern Irish order which is registered in the family court.

(2) Where a Scottish order or a Northern Irish order is varied by the family court on an application under section 22(1) of the 1950 Act, the court officer will give notice of the variation to the clerk of the court in Scotland or Northern Ireland which made the order by sending a certified copy of the order of variation.]

Textual Amendments

- F31** Rule 32.9A inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **86** (with rule 137); S.I. 2014/954, **art. 2**

Cancellation of registration of Scottish and Northern Irish orders

32.10.—(1) The Part 18 procedure applies to an application [^{F32}under section 24(1) of the 1950 Act] for the cancellation of the registration of a Scottish order or a Northern Irish order in the High Court [^{F33}or the family court].

(2) The application must be made without notice to the person liable to make payments under the order.

(3) If the registration of the order is cancelled, the court officer will—

- (a) note the cancellation in ^{F34}... the register; and
- (b) send written notice of the cancellation to—
- (i) the clerk of the [^{F35}court which made the order] or the registrar in Northern Ireland, as the case may be; and

Status: Point in time view as at 11/01/2015.

Changes to legislation: There are currently no known outstanding effects for the Family Procedure Rules 2010, PART 32. (See end of Document for details)

- (ii) the court officer [^{F36}of the family court if the order has been registered in the family court] in accordance with section 2(5) of the 1958 Act.

[^{F37}(4) Where a maintenance order is registered under the 1950 Act in the family court, the court officer for the family court is the prescribed officer for the purposes of section 24(2) of the 1950 Act, and in paragraphs (5) and (6) references to the court officer are to the court officer of the family court.

(5) If a notice under section 24(2) of the 1950 Act is received, the court officer will—

- (a) cancel the registration of the order; and
- (b) send written notice of the cancellation to the clerk of the court which made the order.

(6) Where a maintenance order is registered in the family court under Part 1 of the 1958 Act and the court officer receives a notice of cancellation under section 24(3) of the 1950 Act from the appropriate officer of the High Court, the court officer will—

- (a) enter the details of the notice in the register;
- (b) cancel the registration under Part 1 of the 1958 Act; and
- (c) give notice of the cancellation to the appropriate officer of the court which made the order, being—
 - (i) the Deputy Principal Clerk of Session, in the case of the Court of Session; or
 - (ii) the Chief Registrar of the Queen’s Bench Division (Matrimonial), in the case of the High Court of Justice in Northern Ireland.]

Textual Amendments

- F32** Words in rule 32.10(1) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 87\(a\)\(i\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F33** Words in rule 32.10(1) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 87\(a\)\(ii\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F34** Words in rule 32.10(3)(a) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 87\(b\)\(i\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F35** Words in rule 32.10(3)(b)(i) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 87\(b\)\(ii\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F36** Words in rule 32.10(3)(b)(ii) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 87\(b\)\(iii\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F37** Rules 32.10(4)-(6) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 87\(c\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

[^{F38}Payments under a maintenance order registered in the family court

32.10A.—(1) This rule applies where section 22(1A) of the 1950 Act applies and the family court orders that payments under a maintenance order registered in the family court are to be made by a particular means.

(2) The court officer will record on a copy of the order the means of payment that the court has ordered.

(3) The court officer will notify, in writing, the person liable to make payments under the order how the payments are to be made.

(4) Where [^{F39}under section 1(4A) of the Maintenance Enforcement Act 1991] the family court orders payment to the court by a method of payment specified in [^{F40}section 1(5) of that Act], the court officer will notify the person liable to make payments under the order of sufficient details of the account into which the payments should be made to enable payments to be made into that account.

(5) The Part 18 procedure applies to an application under section 1(7) of the Maintenance Enforcement Act 1991 [^{F41}(application from an interested party to revoke, suspend, revive or vary a means of payment order)].

[^{F42}(6) Where the court makes an order under section 1(7) of the Maintenance Enforcement Act 1991 or dismisses an application for such an order, the court officer will, as far as practicable, notify in writing all interested parties of the effect of the order and will take the steps set out in paragraphs (2), (3) and (4), as appropriate.

(7) In this rule, “interested party” has the meaning given in section 1(10) of the Maintenance Enforcement Act 1991.]]

Textual Amendments

- F38** Rule 32.10A inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 88](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F39** Words in rule 32.10A(4) inserted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), [rules 1, 27\(a\)\(i\)](#) (with [rule 45](#))
- F40** Words in rule 32.10A(4) substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), [rules 1, 27\(a\)\(ii\)](#) (with [rule 45](#))
- F41** Words in rule 32.10A(5) substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), [rules 1, 27\(b\)](#) (with [rule 45](#))
- F42** Rule 32.10A(6)(7) substituted for rule 32.10A(6) (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), [rules 1, 27\(c\)](#) (with [rule 45](#))

Enforcement

32.11.—(1) [^{F43}Subject to paragraph (2), Part 33] applies to an application for or with respect to the enforcement of a Scottish order or a Northern Irish order registered in the High Court [^{F44}or the family court].

(2) The application may be made without notice to the person liable to make payments under the order.

Textual Amendments

- F43** Words in rule 32.11(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 89\(a\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F44** Words in rule 32.11(1) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 89\(b\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

Inspection of register and copies of order

32.12. Any person—

- (a) who is entitled to receive, or liable to make, payments under [^{F45}a Scottish order or a Northern Irish order registered in the High Court or the family court under the 1950 Act]; or
- (b) with the permission of the court,

may—

- (i) inspect the register; or

Status: Point in time view as at 11/01/2015.

Changes to legislation: There are currently no known outstanding effects for the Family Procedure Rules 2010, PART 32. (See end of Document for details)

- (ii) request a copy of any order registered in the High Court [^{F46}or the family court] under Part 2 of the 1950 Act and any statutory declaration, affidavit^(GL) or statement filed with the order.

Textual Amendments

F45 Words in rule 32.12(a) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 90\(a\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

F46 Words in rule 32.12(a)(ii) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 90\(b\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

[^{F47}Notices and certificates: section 19(4), 20(1) and 24(5) and (5A) of the 1950 Act

32.12A.—(1) Practice Direction 32A contains the form of—

- (a) a notice under section 19(4) of the 1950 Act that payments under a maintenance order made by a sheriff court in Scotland or a court of summary jurisdiction in Northern Ireland have become payable through or to any officer or person;
- (b) a notice under section 19(4) of the 1950 Act that the payments under a maintenance order made by the family court have, on its registration under Part 2 of the 1950 Act in a court in Scotland or Northern Ireland, ceased to be payable to or through the court or any person;
- (c) a certificate lodged under section 20(1) of the 1950 Act as to the amount of any arrears due under a maintenance order made by the family court; and
- (d) a notice under section 24(5) or (5A) of the 1950 Act of the cancellation of the registration under Part 2 of the 1950 Act of a maintenance order in the family court.

(2) The court officer will send a notice referred to in paragraph (1)(a), (b) or (d) to the person liable to make the payments under the order at that person’s last known address.]

Textual Amendments

F47 Rule 32.12A inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 91](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

CHAPTER 3

REGISTRATION OF MAINTENANCE ORDERS UNDER THE 1958 ACT

Interpretation

32.13. In this Chapter “the register” means the register kept for the purposes of the 1958 Act.

Registration of orders – prescribed period

32.14. The prescribed period for the purpose of section 2(2) of the 1958 Act is 14 days. (Section 2(2) sets out the period during which an order, which is to be registered in a magistrates' court, may not be enforced)

Application for registration of a maintenance order in ^{F48}the family court – procedure in the High Court]

32.15.—(1) An application under section 2(1) of the 1958 Act may be made by sending to the court officer at the court which made the order—

- (a) a certified copy of the maintenance order; and
- (b) two copies of the application.

(2) When, on the grant of an application, the court officer sends the certified copy of the maintenance order to the ^{F49}family court] in accordance with section 2(2), the court officer must—

- (a) note on the order that the application for registration has been granted; and
- (b) send to the ^{F49}family court] a copy of the application for registration of the order.

(3) On receiving notice that the ^{F50}family court] has registered the order, the court officer ^{F51}of the High Court] must enter particulars of the registration in the court records.

Textual Amendments

- F48** Words in rule 32.15 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\), rules 1, 92\(a\)](#) (with [rule 137](#)); [S.I. 2014/954, art. 2](#)
- F49** Words in rule 32.15(2) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\), rules 1, 92\(b\)](#) (with [rule 137](#)); [S.I. 2014/954, art. 2](#)
- F50** Words in rule 32.15(3) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\), rules 1, 92\(b\)](#) (with [rule 137](#)); [S.I. 2014/954, art. 2](#)
- F51** Words in rule 32.15(3) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\), rules 1, 92\(c\)](#) (with [rule 137](#)); [S.I. 2014/954, art. 2](#)

^{F52}Application for registration of a maintenance order in the family court – procedure in the family court

32.15A.—(1) This rule applies where the court officer for the family court receives from the court officer of the High Court a certified copy of a High Court order, in accordance with section 2(2) (b) of the 1958 Act.

(2) The court officer of the family court will—

- (a) register the order in the family court by entering particulars in the register; and
- (b) send notice to the court officer of the High Court that the order has been registered.]

Textual Amendments

- F52** Rule 32.15A inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\), rules 1, 93](#) (with [rule 137](#)); [S.I. 2014/954, art. 2](#)

Registration in ^{F53}the family court] of an order registered in the High Court ^{F54}- procedure in the High Court]

32.16.—(1) This rule applies where—

- (a) a maintenance order is registered in the High Court in accordance with section 17(4) of the 1950 Act; and

Status: Point in time view as at 11/01/2015.

*Changes to legislation: There are currently no known outstanding effects for the
The Family Procedure Rules 2010, PART 32. (See end of Document for details)*

(b) the court officer [^{F55}of the High Court] receives notice that the [^{F56}family court] has registered the order in accordance with section 2(5) of the 1958 Act.

(2) The court officer [^{F57}of the High Court] must enter particulars of the registration in ^{F58}... the register.

Textual Amendments

- F53** Words in rule 32.16 heading substituted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), art. 1, **rule 94(a)(i)** (with art. 137); S.I. 2014/954, art. 2
- F54** Words in rule 32.16 heading inserted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), art. 1, **rule 94(a)(ii)** (with art. 137); S.I. 2014/954, art. 2
- F55** Words in rule 32.16(1)(b) inserted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), art. 1, **rule 94(b)** (with art. 137); S.I. 2014/954, art. 2
- F56** Words in rule 32.16(1)(b) substituted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), art. 1, **rule 94(c)** (with art. 137); S.I. 2014/954, art. 2
- F57** Words in rule 32.16(2) inserted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), art. 1, **rule 94(b)** (with art. 137); S.I. 2014/954, art. 2
- F58** Words in rule 32.16(2) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), art. 1, **rule 94(d)** (with art. 137); S.I. 2014/954, art. 2

[^{F59}Registration in the family court of an order registered in the High Court – procedure in the family court

32.16A.—(1) This rule applies where—

- (a) a maintenance order is registered in the High Court in accordance with section 17(4) of the 1950 Act; and
- (b) the court officer of the family court, in accordance with section 2(2)(b) of the 1958 Act, receives from the appropriate officer of the original court in Scotland or Northern Ireland a certified copy of an order made by the court in Scotland or Northern Ireland.

(2) The court officer of the family court will—

- (a) register the order in the family court by entering particulars in the register; and
- (b) send written notice to the court officer of the High Court and to the appropriate officer of the original court in Scotland or in Northern Ireland that the order has been registered.]

Textual Amendments

- F59** Rule 32.16A inserted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), **rules 1, 95** (with rule 137); S.I. 2014/954, **art. 2**

Registration in the High Court of a magistrates' court order

^{F60}**32.17.**

Textual Amendments

- F60** Rule 32.17 omitted (22.4.2014) by virtue of The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), **rules 1, 96** (with rule 137); S.I. 2014/954, **art. 2**

Registration in the High Court of an order registered in a magistrates' court

^{F61}32.18.

Textual Amendments

F61 Rule 32.18 omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, [96](#) (with rule 137); S.I. 2014/954, [art. 2](#)

Variation or discharge of an order registered in [^{F62}the family court – procedure in the High Court]

32.19.—(1) This rule applies where a maintenance order is registered in [^{F63}the family court] under Part 1 of the 1958 Act.

(2) If the court which made the order makes an order varying or discharging that order the court officer [^{F64}of the High Court] must send a certified copy of the order of variation or discharge to [^{F65}the family court].

(3) If the court officer [^{F66}of the High Court] receives from [^{F67}the family court] a certified copy of an order varying the maintenance order the court officer must—

- (a) file the copy of the order; and
- (b) enter the particulars of the variation in the place where the details required by rule 32.15(3) were entered.

Textual Amendments

F62 Words in rule 32.19 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, [97\(a\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)

F63 Words in rule 32.19(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, [97\(b\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)

F64 Words in rule 32.19(2) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, [97\(c\)\(i\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)

F65 Words in rule 32.19(2) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, [97\(c\)\(ii\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)

F66 Words in rule 32.19(3) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, [97\(d\)\(i\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)

F67 Words in rule 32.19(3) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, [97\(d\)\(ii\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)

[^{F68}Variation, remission, discharge or cancellation of registration of an order registered in the family court – procedure in the family court

32.19A.—(1) Where under section 4(2) of the 1958 Act a High Court order registered in the family court is varied by the family court, the court officer for the family court will give notice of the variation to the High Court.

(2) Where under section 4(4) of the 1958 Act an application for the variation of a High Court order registered in the family court is remitted to the High Court by the family court, the court officer for the family court will give notice of its having been remitted to the High Court.

(3) Where under section 5(4) of the 1958 Act the registration of a High Court order in the family court is cancelled by the family court, the court officer for the family court will give notice of

Status: Point in time view as at 11/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Family Procedure Rules 2010, PART 32. (See end of Document for details)

cancellation to the High Court, stating (if applicable) that the cancellation is a result of a notice given under section 5(1) of the 1958 Act.

(4) Where under section 5(4) of the 1958 Act the registration in the family court of an order made in Scotland or Northern Ireland is cancelled by the family court, the court officer for the family court will give notice of the cancellation to—

- (a) the appropriate officer of the court which made the order; and
- (b) where the order is registered under Part 2 of the 1950 Act, to the appropriate officer of the High Court.

(5) Where under section 5(4) of the 1958 Act the registration in the family court of an order under Part 2 of the 1950 Act is cancelled by the family court, the court officer for the family court will give notice of the cancellation to the appropriate officer of the original court.

(6) Where under section 5 of the 1958 Act the cancellation of the registration of a High Court order means that any order which requires payment to be made to the family court is to cease to have effect, the court officer will give notice to the defendant in the form set out in Practice Direction 32A (Form 7).]

Textual Amendments

F68 Rule 32.19A inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **98** (with rule 137); S.I. 2014/954, **art. 2**

Variation or discharge of an order registered in the High Court

^{F69}**32.20.**

Textual Amendments

F69 Rule 32.20 omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **99** (with rule 137); S.I. 2014/954, **art. 2**

Cancellation of registration – orders registered in the High Court

^{F70}**32.21.**

Textual Amendments

F70 Rule 32.21 omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **99** (with rule 137); S.I. 2014/954, **art. 2**

Cancellation of registration – orders registered in [^{F71}the family court]

32.22.—(1) Where the court gives notice under section 5(2) of the 1958 Act, the court officer must endorse the notice on the certified copy of the order of variation or discharge sent to the [^{F72}family court] in accordance with rule 32.19(2).

(2) Where notice is received from [^{F73}the family court] that registration of an order made by the High Court ^{F74}... under Part 1 of the 1958 Act has been cancelled, the court officer must enter particulars of the cancellation in the place where the details required by rule 32.15(3) were entered.

Textual Amendments

- F71** Words in rule 32.22 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 100\(a\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F72** Words in rule 32.22(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 100\(b\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F73** Words in rule 32.22(2) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 100\(a\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F74** Words in rule 32.22(2) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 100\(c\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

[^{F75}Notices: payments made through the family court

32.22A.—(1) Paragraph (2) applies where a notice is given under section 2(6ZC) of the 1958 Act that payments under an order registered in the family court are payable to the family court.

(2) The notice will be in the form set out in Practice Direction 32A (Form 5) and will be given by the court officer of the family court.

(3) Paragraph (4) applies where a notice is given under section 2(6ZC) of the 1958 Act that payments under an order registered in the family court have ceased to be payable to the family court.

(4) The notice will be in the form set out in Practice Direction 32A (Form 6) and will be given by the court officer of the family court.

Textual Amendments

- F75** Rules 32.22A-32.22D inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 101](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

Method of payment

32.22B.—(1) This rule applies where the family court exercises its duties or powers under section 4A(2) of the 1958 Act to make, revive or vary any means of payment order within the meaning of section 1(7) of the Maintenance Enforcement Act 1991.

(2) Where the court orders that payments under a registered order are to be made by a particular means—

- (a) the court will record on a copy of the order the means of payment which the court has ordered; and
- (b) the court officer will notify, in writing, the person liable to make payments under the order how the payments are to be made.

(3) Paragraph (4) applies where the court orders that payments be made—

- (a) by the debtor to the creditor; or
- (b) by the debtor to the court;

by a method falling within section 1(5) of the Maintenance Enforcement Act 1991.

(4) The court officer will notify the person liable to make payments under the order of sufficient details of the account into which payments should be made to enable payments to be made into that account.

Status: Point in time view as at 11/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Family Procedure Rules 2010, PART 32. (See end of Document for details)

Textual Amendments

F75 Rules 32.22A-32.22D inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 101](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

Variation of method of payment

32.22C.—(1) The Part 18 procedure applies to an application under section 1(3)(a) of the Maintenance Enforcement Act 1991 received from an interested party for the method of payment to be varied under section 4A of the 1958 Act.

(2) The court will notify the interested party who made the application and, where practicable, any other interested party, of the result of the application.

(3) The court will record any variation on a copy of the order.

Textual Amendments

F75 Rules 32.22A-32.22D inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 101](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

Notices received from another court or from a person entitled to payments

32.22D.—(1) This rule applies where any notice is received—

- (a) of the discharge or variation by the High Court of a High Court order registered in the family court;
- (b) of the discharge or variation by a court in Scotland or Northern Ireland of an order made by such a court and registered in the family court; or
- (c) under section 5(1) or (2) of the 1958 Act.

(2) The court officer for the family court will enter details of any such notice in the register.

(3) In the case of a notice under section 5(1) or (2) of the 1958 Act, the court officer for the family court will ensure that the person in possession of any warrant of commitment, issued but not executed, for the enforcement of the order is informed of the giving of that notice.]

Textual Amendments

F75 Rules 32.22A-32.22D inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 101](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

CHAPTER 4

REGISTRATION AND ENFORCEMENT OF CUSTODY ORDERS UNDER THE 1986 ACT

Interpretation

32.23. In this Chapter—

“appropriate court” means, in relation to—

- (a) Scotland, the Court of Session;
- (b) Northern Ireland, the High Court in Northern Ireland; and
- (c) a specified dependent territory, the corresponding court in that territory;

“appropriate officer” means, in relation to—

- (a) the Court of Session, the Deputy Principal Clerk of Session;
- (b) the High Court in Northern Ireland, the Master (Care and Protection) of that court; and
- (c) the appropriate court in a specified dependent territory, the corresponding officer of that court;

“Part 1 order” means an order under Part 1 of the 1986 Act;

“the register” means the register kept for the purposes of Part 1 of the 1986 Act; and

“specified dependent territory” means a dependent territory specified in column 1 of Schedule 1 to the Family Law Act 1986 (Specified Dependent Territories) Order 1991 ^{M3}.

Marginal Citations

M3 [S.I. 1991/1723](#).

Prescribed officer and functions of the court

32.24.—(1) The prescribed officer for the purposes of sections 27(4) and 28(1) of the 1986 Act ^{M4} is the family proceedings department manager of the principal registry.

(2) The function of the court under sections 27(3) and 28(1) of the 1986 Act ^{M5} shall be performed by a court officer.

Marginal Citations

M4 [Section 27\(4\)](#) was amended by section 108(5) of and paragraph 62 of Schedule 13 to the Children Act 1989.

M5 [Section 27\(3\)](#) was amended by section 108(5) of and paragraph 62 of Schedule 13 to the Children Act 1989.

Application for the registration of an order made by the High Court or [^{F76}the family court]

32.25.—(1) An application under section 27 of the 1986 Act for the registration of an order made in the High Court or [^{F77}the family court] may be made by sending to a court officer at the court which made the order—

- (a) a certified copy of the order;
- (b) a copy of any order which has varied the terms of the original order;
- (c) a statement which—
 - (i) contains the name and address of the applicant and the applicant's interest under the order;
 - (ii) contains—
 - (aa) the name and date of birth of the child in respect of whom the order was made;
 - (bb) the whereabouts or suspected whereabouts of the child; and
 - (cc) the name of any person with whom the child is alleged to be;
 - (iii) contains the name and address of any other person who has an interest under the order and states whether the order has been served on that person;

Status: Point in time view as at 11/01/2015.

Changes to legislation: There are currently no known outstanding effects for the The Family Procedure Rules 2010, PART 32. (See end of Document for details)

- (iv) states in which of the jurisdictions of Scotland, Northern Ireland or a specified dependent territory the order is to be registered;
 - (v) states that to the best of the applicant's information and belief, the order is in force;
 - (vi) states whether, and if so where, the order is already registered;
 - (vii) gives details of any order known to the applicant which affects the child and is in force in the jurisdiction in which the order is to be registered;
 - (viii) annexes any document relevant to the application; and
 - (ix) is verified by a statement of truth; and
- (d) a copy of the statement referred to in paragraph (c).
- (2) On receipt of the documents referred to in paragraph (1), the court officer will, subject to paragraph (4)—
- (a) keep the original statement and send the other documents to the appropriate officer;
 - (b) record in the court records the fact that the documents have been sent to the appropriate officer; and
 - (c) file a copy of the documents.
- (3) On receipt of a notice that the document has been registered in the appropriate court the court officer will record that fact in the court records.
- (4) The court officer will not send the documents to the appropriate officer if it appears to the court officer that—
- (a) the order is no longer in force; or
 - (b) the child has reached the age of 16.
- (5) Where paragraph (4) applies—
- (a) the court officer must, within 14 days of the decision, notify the applicant of the decision of the court officer in paragraph (4) and the reasons for it; and
 - (b) the applicant may apply to [^{F78}the court], in private for an order that the documents be sent to the appropriate court.

Textual Amendments

- F76** Words in rule 32.25 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **102(a)** (with rule 137); S.I. 2014/954, **art. 2**
- F77** Words in rule 32.25(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **102(a)** (with rule 137); S.I. 2014/954, **art. 2**
- F78** Words in rule 32.25(5)(b) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **102(b)** (with rule 137); S.I. 2014/954, **art. 2**

Registration of orders made in Scotland, Northern Ireland or a specified dependent territory

32.26.—(1) This rule applies where the prescribed officer receives, for registration, a certified copy of an order made in Scotland, Northern Ireland or a specified dependent territory.

- (2) The prescribed officer will—
- (a) enter in the register—
 - (i) the name and address of the applicant and the applicant's interest under the order;
 - (ii) the name and date of birth of the child and the date the child will attain the age of 16;

- (iii) the whereabouts or suspected whereabouts of the child; and
- (iv) the terms of the order, its date and the court which made it;
- (b) file the certified copy and accompanying documents; and
- (c) notify—
 - (i) the court which sent the order; and
 - (ii) the applicant,that the order has been registered.

Revocation and variation of an order made in the High Court or [^{F79}the family court]

32.27.—(1) Where a Part 1 order, registered in an appropriate court, is varied or revoked, the court officer of the court making the order of variation or revocation will—

- (a) send a certified copy of the order of variation or revocation to—
 - (i) the appropriate officer; and
 - (ii) if a different court, the court which made the Part 1 order;
- (b) record in the court records the fact that a copy of the order has been sent; and
- (c) file a copy of the order.

(2) On receipt of notice from the appropriate court that its register has been amended, this fact will be recorded by the court officer of—

- (a) the court which made the order of variation or revocation; and
- (b) if different, the court which made the Part 1 order.

Textual Amendments

F79 Words in rule 32.27 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **103** (with rule 137); [S.I. 2014/954](#), **art. 2**

Registration of varied, revoked or recalled orders made in Scotland, Northern Ireland or a specified dependent territory

32.28.—(1) This rule applies where the prescribed officer receives a certified copy of an order made in Scotland, Northern Ireland or a specified dependent territory which varies, revokes or recalls a registered Part 1 order.

(2) The prescribed officer shall enter particulars of the variation, revocation or recall in the register and give notice of the entry to—

- (a) the court which sent the certified copy;
- (b) if different, the court which made the Part 1 order;
- (c) the applicant for registration; and
- (d) if different, the applicant for the variation, revocation or recall of the order.

(3) An application under section 28(2) of the 1986 Act must be made in accordance with the Part 19 procedure.

(4) The applicant for the Part 1 order, if not the applicant under section 28(2) of the 1986 Act, must be made a defendant to the application.

Status: Point in time view as at 11/01/2015.

*Changes to legislation: There are currently no known outstanding effects for the
The Family Procedure Rules 2010, PART 32. (See end of Document for details)*

(5) Where the court cancels a registration under section 28(2) of the 1986 Act, the court officer will amend the register and give notice of the amendment to the court which made the Part 1 order.

Interim directions

32.29. The following persons will be made parties to an application for interim directions under section 29 of the 1986 Act ^{M6}—

- (a) the parties to the proceedings for enforcement; and
- (b) if not a party to those proceedings, the applicant for the Part 1 order.

Marginal Citations

M6 Section 29 was amended by section 108(5) of and paragraphs 62(1) and (2)(a) of Schedule 13 to the Children Act 1989 and by section 15(1) of and paragraphs 2 and 4 of Schedule 2 to the Children and Adoption Act 2006.

Staying and dismissal of enforcement proceedings

32.30.—(1) The following persons will be made parties to an application under section 30(1) or 31(1) of the 1986 Act—

- (a) the parties to the proceedings for enforcement which are sought to be stayed^(GL); and
- (b) if not a party to those proceedings, the applicant for the Part 1 order.

(2) Where the court makes an order under section 30(2) or (3) or section 31(3) of the 1986 Act, the court officer will amend the register and give notice of the amendment to—

- (a) the court which made the Part 1 order; and
- (b) the applicants for—
 - (i) registration;
 - (ii) enforcement; and
 - (iii) stay^(GL) or dismissal of the enforcement proceedings.

Particulars of other proceedings

32.31. A party to proceedings for or relating to a Part 1 order who knows of other proceedings which relate to the child concerned (including proceedings out of the jurisdiction and concluded proceedings) must file a witness statement which—

- (a) states in which jurisdiction and court the other proceedings were begun;
- (b) states the nature and current state of the proceedings and the relief claimed or granted;
- (c) sets out the names of the parties to the proceedings and their relationship to the child;
- (d) if applicable and if known, states the reasons why relief claimed in the proceedings for or relating to the Part 1 order was not claimed in the other proceedings; and
- (e) is verified by a statement of truth.

Inspection of register

32.32. The following persons may inspect any entry in the register relating to a Part 1 order and may request copies of the order any document relating to it—

- (a) the applicant for registration of the Part 1 order;

- (b) a person who, to the satisfaction of a district judge, has an interest under the Part 1 order;
and
- (c) a person who obtains the permission of a district judge.

[^{F80}Chapter 5

Ability of a court officer to take enforcement proceedings in relation to certain orders for periodical payments

Textual Amendments

F80 Pt. 32 Ch. 5 inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **104** (with rule 137); S.I. 2014/954, **art. 2**

Court officers and enforcement proceedings

32.33.—(1) In this rule—

“the 1972 Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972;

“relevant order” means—

- (a) any order made by the family court for periodical payments, other than an order made by virtue of Part 2 of the 1972 Act;
- (b) any order for periodical payments made by the High Court (including an order deemed to be made by the High Court by virtue of section 1(2) of the 1958 Act) and registered under Part 1 of the 1958 Act in the family court; and
- (c) an order made by a court in Scotland or in Northern Ireland which is registered in the family court under Part 2 of the 1950 Act; and

“the payee” means the person for whose benefit payments under a relevant order are required to be made.

(2) Where—

- (a) payments under a relevant order are required to be made periodically to the family court;
and
- (b) any sums payable under the order are in arrears,

a court officer will, if the payee so requests in writing, and unless it appears to the court officer that it is unreasonable in the circumstances to do so, proceed in the officer’s own name for the recovery of those sums.

(3) Where payments under a relevant order are required to be made periodically to the court, the payee may, at any time during the period in which the payments are required to be so made, give authority in writing to a court officer for the officer to proceed as mentioned in paragraph (4).

(4) Where authority is given under paragraph (3) to a court officer, that officer will, unless it appears unreasonable in the circumstances to do so, proceed in the officer’s own name for the recovery of any sums payable to the court under the order in question which, on or after the date of the giving of the authority, fall into arrears.

(5) In any case where—

- (a) authority under paragraph (3) has been given to a court officer; and
- (b) the payee gives notice in writing to that court officer cancelling the authority,

the authority will cease to have effect and so the court officer will not continue any proceedings already commenced by virtue of the authority.

Status: Point in time view as at 11/01/2015.

Changes to legislation: There are currently no known outstanding effects for the
The Family Procedure Rules 2010, PART 32. (See end of Document for details)

(6) The payee shall have the same liability for all of the costs properly incurred in, or in relation to, proceedings taken under paragraph (2) at the payee's request, or under paragraph (3) by virtue of the payee's authority, including any court fees and any costs incurred as a result of any proceedings commenced not being continued, as if the proceedings had been commenced by the payee.

(7) Nothing in paragraph (2) or (4) shall affect any right of a payee to proceed in his or her own name for the recovery of sums payable under an order of any court.]

Status:

Point in time view as at 11/01/2015.

Changes to legislation:

There are currently no known outstanding effects for the The Family Procedure Rules 2010, PART 32.