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STATUTORY INSTRUMENTS

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**2010 No. 2955**

**The Family Procedure Rules 2010**

**PART 32**

**REGISTRATION AND ENFORCEMENT OF ORDERS**

**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(1).

**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(2) 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(3) shall be performed by a court officer.

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

(2) Section 27(4) was amended by section 108(5) of and paragraph 62 of Schedule 13 to the Children Act 1989.

(3) 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 a county 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 a county 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;
  - (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 a judge, but not a district judge, in private for an order that the documents be sent to the appropriate court.

**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 a county 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.

**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.

(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<sup>(4)</sup>—

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

### **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<sup>(GL)</sup>; 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<sup>(GL)</sup> 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;

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(4) 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.

- (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.