
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 33

ENFORCEMENT

CHAPTER 1

GENERAL RULES

Application

33.1.—(1) The rules in this Part apply to an application made in the High Court and [^{F1}the family court] to enforce an order made in family proceedings.

(2) [^{F2}Parts 50, 83 and 84] of, and Schedules 1 and 2 to, the CPR apply, as far as they are relevant and with necessary modification ^{F3}..., to an application made in the High Court and [^{F4}the family court] to enforce an order made in family proceedings.

Textual Amendments

- F1** Words in rule 33.1(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\), rules 1, 28\(a\)](#) (with rule 45)
- F2** Words in rule 33.1(2) substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\), rules 1, 28\(b\)\(i\)](#) (with rule 45)
- F3** Words in rule 33.1(2) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\), rules 1, 28\(b\)\(ii\)](#) (with rule 45)
- F4** Words in rule 33.1(2) substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\), rules 1, 28\(b\)\(iii\)](#) (with rule 45)

SECTION 1

Enforcement of orders for the payment of money

Application of the Civil Procedure Rules

33.2. Part 70 of the CPR applies to proceedings under this Section as if—

(a) in rule 70.1, in paragraph (2)(d), “but does not include a judgment or order for the payment of money into court” is omitted; ^{F5}...

[^{F6}(a1) in rule 70.3(1), for “County Court” there is substituted “family court”; and]

(b) rule 70.5 is omitted.

Status: Point in time view as at 22/04/2014.

Changes to legislation: There are currently no known outstanding effects for the The Family Procedure Rules 2010, CHAPTER 1. (See end of Document for details)

Textual Amendments

- F5** Word in rule 33.2(a) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **29(a)** (with rule 45)
- F6** Rule 33.2(a1) inserted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **29(b)** (with rule 45)

How to apply

33.3.—(1) Except where a rule or practice direction otherwise requires, an application for an order to enforce an order for the payment of money must be made in a notice of application accompanied by a statement which must—

- (a) state the amount due under the order, showing how that amount is arrived at; and
- (b) be verified by a statement of truth.

(2) The notice of application may either—

- (a) apply for an order specifying the method of enforcement; or
- (b) apply for an order for such method of enforcement as the court may consider appropriate.

(3) If an application is made under paragraph (2)(b), an order to attend court will be issued and rule 71.2 (6) and (7) of the CPR will apply as if the application had been made under that rule.

Transfer of orders

33.4.—(1) This rule applies to an application for the transfer—

- (a) to the High Court of an order made in [^{F7}the family court]; and
- (b) to [^{F7}the family court] of an order made in the High Court.

(2) The application must be—

- (a) made without notice; and
- (b) accompanied by a statement which complies with rule 33.3(1).

(3) The transfer will have effect upon the filing of the application.

(4) Where an order is transferred from [^{F7}the family court] to the High Court—

- (a) it will have the same force and effect; and
- (b) the same proceedings may be taken on it,

as if it were an order of the High Court.

(5) This rule does not apply to the transfer of orders for periodical payments or for the recovery of arrears of periodical payments.

Textual Amendments

- F7** Words in rule 33.4 substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **30** (with rule 45)

SECTION 2

Committal and injunction

[^{F8}Enforcement of orders by way of committal

33.5. Part 37 applies as appropriate for the enforcement by way of committal of an order made in family proceedings.]

Textual Amendments

F8 Rule 33.5 substituted for rules 33.5-33.8 (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **31** (with rule 45)

Proceedings in the principal registry treated as pending in a designated county court

^{F8}**33.6.**

Textual Amendments

F8 Rule 33.5 substituted for rules 33.5-33.8 (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **31** (with rule 45)

Specific modifications of the CCR

^{F8}**33.7.**

Textual Amendments

F8 Rule 33.5 substituted for rules 33.5-33.8 (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **31** (with rule 45)

Section 118 County Courts Act 1984 and the tipstaff

^{F8}**33.8.**

Textual Amendments

F8 Rule 33.5 substituted for rules 33.5-33.8 (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **31** (with rule 45)

Status:

Point in time view as at 22/04/2014.

Changes to legislation:

There are currently no known outstanding effects for the The Family Procedure Rules 2010, CHAPTER 1.