

STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 33

ENFORCEMENT

CHAPTER 1

GENERAL RULES

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; ^{F1}...

[^{F2}(a1) in rule 70.3(1), for “County Court” there is substituted “family court”; and]

(b) rule 70.5 is omitted.

Textual Amendments

F1 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](#))

F2 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.

[^{F3}(3) If an application is made under paragraph (2)(b), the court must issue an order which includes requirements that—

- (a) the debtor must attend court at the time and place specified in the order to answer on oath such questions as the court may require;
 - (b) the debtor must complete a financial statement in the form served with that order; and
 - (c) the financial statement, together with any documents that the statement indicates should be provided, must be—
 - (i) filed with the court; and
 - (ii) served on the applicant,by the debtor not less than seven days before the date on which order requires the debtor to attend court.
- (4) An order issued under paragraph (3) must include a penal notice, as defined in rule 37.2.]

Textual Amendments

F3 Rule 33.3(3)(4) substituted for rule 33.3(3) (6.4.2023) by [The Family Procedure \(Amendment\) Rules 2023 \(S.I. 2023/61\)](#), rules 1(3), 17

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 [^{F4}the family court]; and
 - (b) to [^{F4}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 [^{F4}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

F4 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)

Changes to legislation:

There are currently no known outstanding effects for the The Family Procedure Rules 2010,
Cross Heading: SECTION 1.