
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 34

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS

Scope and interpretation of this Part

34.1.—(1) This Part contains rules about the reciprocal enforcement of maintenance orders.

(2) In this Part—

“the 1920 Act” means the Maintenance Orders (Facilities for Enforcement) Act 1920^{F1};

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

“the 1982 Act” means the Civil Jurisdiction and Judgments Act 1982;

“the 1988 Convention” means the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters done at Lugano on 16th September 1988;

“the Judgments Regulation” means Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters; and

“the Lugano Convention” means the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Kingdom of Denmark signed on behalf of the European Community on 30th October 2007.

(3) Chapter 1 of this Part relates to the enforcement of maintenance orders in accordance with the 1920 Act.

(4) Chapter 2 of this Part relates to the enforcement of maintenance orders in accordance with [^{F2}Parts 1 and 2] of the 1972 Act.

(5) Chapter 3 of this Part relates to the enforcement of maintenance orders in accordance with—

(a) the 1982 Act;

(b) the Judgments Regulation; ^{F3}...

(c) the Lugano Convention [^{F4}; ^{F5} ...]

^{F6}(d) the Maintenance Regulation [^{F7}; and]

(e) the 2007 Hague Convention.]

Textual Amendments

F1 1920 c.33.

F2 Words in rule 34.1(4) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **105** (with rule 137); S.I. 2014/954, **art. 2**

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Changes to legislation: There are currently no known outstanding effects for the The Family Procedure Rules 2010, PART 34. (See end of Document for details)

- F3** Word in rule 34.1(5)(b) omitted (18.6.2011) by virtue of [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **17(a)**
- F4** Word in rule 34.1(5)(c) substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **17(b)**
- F5** Word in rule 34.1(5)(c) omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **18(a)**
- F6** Rule 34.1(5)(d) inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **17(c)**
- F7** Rule 34.1(5)(e) and word substituted for full stop (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **18(b)**

Meaning of prescribed officer in [^{F8}the family court]

34.2.—(1) For the purposes of the 1920 Act, the prescribed officer in relation to [^{F9}the family court is the court officer].

(2) For the purposes of Part 1 of the 1972 Act and section 5(2) of the 1982 Act, the prescribed officer in relation to [^{F10}the family court is the court officer].

[^{F11}(3) For the purposes of an application under Article 30 of the Maintenance Regulation for a declaration of enforceability of a maintenance order or under Article 23(2) or (3) of the 2007 Hague Convention for registration of a maintenance order, the prescribed officer in relation to the family court is the court officer.]

Textual Amendments

- F8** Words in rule 34.2 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **106(a)** (with rule 137); S.I. 2014/954, **art. 2**
- F9** Words in rule 34.2(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **106(b)** (with rule 137); S.I. 2014/954, **art. 2**
- F10** Words in rule 34.2(2) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **106(c)** (with rule 137); S.I. 2014/954, **art. 2**
- F11** Rule 34.2(3) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **106(d)** (with rule 137); S.I. 2014/954, **art. 2**

Registration of maintenance orders in [^{F12}the family court]

34.3. Where [^{F13}the family court] is required by any of the enactments referred to in rule 34.1(2) [^{F14}or by virtue of the Maintenance Regulation][^{F15}or the 2007 Hague Convention] to register a foreign order the court officer must—

- (a) enter ^{F16}... a memorandum of the order in the register ^{F17}...; and
- (b) state on the memorandum the statutory provision [^{F18}or international instrument] under which the order is registered.

Textual Amendments

- F12** Words in rule 34.3 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **107(a)** (with rule 137); S.I. 2014/954, **art. 2**
- F13** Words in rule 34.3 substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **107(b)** (with rule 137); S.I. 2014/954, **art. 2**

- F14** Words in rule 34.3 inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **18**
- F15** Words in rule 34.3 inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **19(a)**
- F16** Words in rule 34.3(a) omitted (6.4.2012) by virtue of [The Family Procedure \(Amendment\) Rules 2012 \(S.I. 2012/679\)](#), rules 1, **27** (with rule 30)
- F17** Words in rule 34.3(a) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **107(c)** (with rule 137); S.I. 2014/954, **art. 2**
- F18** Words in rule 34.3(b) inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **19(b)**

CHAPTER 1

ENFORCEMENT OF MAINTENANCE ORDERS UNDER THE MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT 1920

Interpretation

34.4.—(1) In this Chapter—

“payer”, in relation to a maintenance order, means the person liable to make the payments for which the order provides; and

“reciprocating country” means a country or territory to which the 1920 Act extends.

(2) In this Chapter, an expression defined in the 1920 Act has the meaning given to it in that Act.

Confirmation of provisional orders made in a reciprocating country

34.5.—(1) This rule applies where, in accordance with section 4(1) of the 1920 Act ^{M1}, the court officer receives a provisional maintenance order.

(2) The court must fix the date, time and place for a hearing.

(3) The court officer must register the order in accordance with rule 34.3.

(4) The court officer must serve on the payer—

(a) certified copies of the provisional order and accompanying documents; and

(b) a notice—

(i) specifying the time and date fixed for the hearing; and

(ii) stating that the payer may attend to show cause why the order should not be confirmed.

(5) The court officer must inform—

(a) the court which made the provisional order; and

(b) the Lord Chancellor,

whether the court confirms, with or without modification, or decides not to confirm, the order.

Marginal Citations

- M1** Section 4(1) was amended by article 4(1) and (2) of the [Transfer of Functions \(Magistrates' Courts and Family Law\) Order 1992 \(S.I.1992/709\)](#) and section 1(1) of and paragraph 2(2) of Schedule 1 to the [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c.56\)](#).

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 34. (See end of Document for details)

Payment of sums due under registered orders

34.6. Where an order made by a reciprocating country is registered in [^{F19}the family court under section 1 of the 1920 Act], the court must order payments due to be made to the court ^{F20}

(Practice Direction 34A contains further provisions relating to the payment of sums due under registered orders.)

Textual Amendments

- F19** Words in rule 34.6 substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\), rules 1, 108\(a\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)
- F20** Word in rule 34.6 omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\), rules 1, 108\(b\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)

[^{F21}Collection and enforcement] of sums due under registered orders

34.7—[^{F22}(1) This rule applies to—

- (a) an order made in a reciprocating country which is registered in the family court; and
- (b) a provisional order made in a reciprocating country which has been confirmed by the family court,

where the court has ordered that payments due under the order be made to the court.]

(2) The court officer must—

- (a) collect the monies due under the order ^{F23}...; and
- (b) send the monies collected to—
 - (i) the court in the reciprocating country which made the order; or
 - (ii) such other person or authority as that court or the Lord Chancellor may from time to time direct.

(3) The court officer may take proceedings in that officer's own name for enforcing payment of monies due under the order.

[^{F24}(Rule 32.33 makes provision in relation to a court officer taking such proceedings.)]

Textual Amendments

- F21** Words in rule 34.7 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\), rules 1, 109\(a\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)
- F22** Rule 34.7(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\), rules 1, 109\(b\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)
- F23** Words in rule 34.7(2)(a) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\), rules 1, 109\(c\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)
- F24** Words in rule 34.7 inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\), rules 1, 109\(d\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)

Prescribed notice for the taking of further evidence

34.8.—(1) This rule applies where a court in a reciprocating country has sent a provisional order to [^{F25}the family court] for the purpose of taking further evidence.

(2) The court officer must send a notice to the person who applied for the provisional order specifying—

- (a) the further evidence required; and
- (b) the time and place fixed for taking the evidence.

Textual Amendments

F25 Words in rule 34.8(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 110](#) (with [rule 137](#)); [S.I. 2014/954](#), [art. 2](#)

Transmission of maintenance orders made in a reciprocating country to the High Court

34.9. A maintenance order to be sent by the Lord Chancellor to the High Court in accordance with section 1(1) of the 1920 Act ^{M2} will be—

- (a) sent to the senior district judge who will register it in the register kept for the purpose of the 1920 Act; and
- (b) filed in the principal registry.

Marginal Citations

M2 [Section 1\(1\)](#) was amended by article 4(1) and (2) of the Transfer of Functions (Magistrates' Courts and Family Law) Order 1992.

Transmission of maintenance orders made in the High Court to a reciprocating country

34.10.—(1) This rule applies to maintenance orders made in the High Court.

(2) An application for a maintenance order to be sent to a reciprocating country under section 2 of the 1920 Act ^{M3} must be made in accordance with this rule.

(3) The application must be made to a district judge in the principal registry unless paragraph (4) applies.

(4) If the order was made in the course of proceedings in a district registry, the application may be made to a district judge in that district registry.

- (5) The application must be—
 - (a) accompanied by a certified copy of the order; and
 - (b) supported by a record of the sworn written evidence.
- (6) The written evidence must give—
 - (a) the applicant's reason for believing that the payer resides in the reciprocating country;
 - (b) such information as the applicant has as to the whereabouts of the payer; and
 - (c) such other information as may be set out in Practice Direction 34A.

Marginal Citations

M3 [Section 2](#) was amended by article 4(1) and (2) of the Transfer of Functions (Magistrates' Courts and Family Law) Order 1992.

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Changes to legislation: There are currently no known outstanding effects for the The Family Procedure Rules 2010, PART 34. (See end of Document for details)

Inspection of the register in the High Court

34.11.—(1) A person may inspect the register and request copies of a registered order and any document filed with it if the district judge is satisfied that that person is entitled to, or liable to make, payments under a maintenance order made in—

- (a) the High Court; or
- (b) a court in a reciprocating country.

(2) The right to inspect the register referred to in paragraph (1) may be exercised by—

- (a) a solicitor acting on behalf of the person entitled to, or liable to make, the payments referred to in that paragraph; or
- (b) with the permission of the district judge, any other person.

CHAPTER 2

ENFORCEMENT OF MAINTENANCE ORDERS UNDER PART 1 OF THE 1972 ACT

Interpretation

34.12.—(1) In this Chapter—

- (a) “reciprocating country” means a country to which Part 1 of the 1972 Act extends; and
- (b) ‘relevant court in the reciprocating country’ means, as the case may be—
 - (i) the court which made the order which has been sent to England and Wales for confirmation;
 - (ii) the court which made the order which has been registered in a court in England and Wales;
 - (iii) the court to which an order made in England and Wales has been sent for registration; or
 - (iv) the court to which a provisional order made in England and Wales has been sent for confirmation.

(2) In this Chapter, an expression defined in the 1972 Act has the meaning given to it in that Act.

(3) In this Chapter, “Hague Convention Countries” means the countries listed in Schedule 1 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order [F26 1993].

Textual Amendments

F26 Word in rule 34.12(3) substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, 19

Scope

34.13.—(1) Section 1 of this Chapter contains rules relating to the reciprocal enforcement of maintenance orders under Part 1 of the 1972 Act.

(2) Section 2 of this Chapter modifies the rules contained in Section 1 of this Chapter in their application to—

- ^{F27}(a)
- (b) the Hague Convention Countries; and
- (c) the United States of America.

(Practice Direction 34A sets out in full the rules for ^{F28}... the Hague Convention Countries and the United States of America as modified by Section 2 of this Chapter.)

[^{F29}(3) Section 3 of this Chapter contains a rule in relation to notification of proceedings in a Hague Convention Country or the United States of America.

(4) Section 4 of this Chapter contains rules in relation to proceedings under Part 2 of the 1972 Act (reciprocal enforcement of claims for the recovery of maintenance).]

Textual Amendments

F27 Rule 34.13(2)(a) omitted (18.6.2011) by virtue of [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), [rules 1, 20\(a\)](#)

F28 Words in rule 34.13 omitted (18.6.2011) by virtue of [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), [rules 1, 20\(b\)](#)

F29 Rule 34.13(3)(4) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 111](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

SECTION 1

Reciprocal enforcement of maintenance orders under Part 1 of the 1972 Act

Application for transmission of maintenance order to reciprocating country

34.14. An application for a maintenance order to be sent to a reciprocating country under section 2 of the 1972 Act must be made in accordance with Practice Direction 34A.

Certification of evidence given on provisional orders

34.15. A document setting out or summarising evidence is authenticated by a court in England and Wales by a certificate signed [^{F30}by the judge] before whom that evidence was given.

(Section 3(5)(b), 5(4) and 9(5) of the 1972 Act require a document to be authenticated by the court.)

Textual Amendments

F30 Words in rule 34.15 substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 112](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

Confirmation of a provisional order made in a reciprocating country

34.16.—(1) This rule applies to proceedings for the confirmation of a provisional order made in a reciprocating country [^{F31}, including proceedings in the family court for the confirmation of a provisional order made in a reciprocating country varying a maintenance order to which section 5(5) or 9(6) of the 1972 Act applies].

(2) Paragraph (3) applies on receipt by the court of—

- (a) a certified copy of the order; and
- (b) the documents required by the 1972 Act to accompany the order.

(3) On receipt of the documents referred to in paragraph (2)—

- (a) the court must fix the date, time and place for a hearing or a directions appointment; and

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Changes to legislation: There are currently no known outstanding effects for the The Family Procedure Rules 2010, PART 34. (See end of Document for details)

- (b) the court officer must send to the payer notice of the date, time and place fixed together with a copy of the order and accompanying documents.
- (4) The date fixed for the hearing must be not less than 21 days beginning with the date on which the court officer sent the documents to the payer in accordance with paragraph (2).
- (5) The court officer will send to the relevant court in the reciprocating country a certified copy of any order confirming or refusing to confirm the provisional order.
- ^{F32}(6)

(Section 5(5) and 7 of the 1972 Act provide for proceedings for the confirmation of a provisional order.)^{F33} ...

Textual Amendments

F31 Words in rule 34.16(1) inserted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **113(a)** (with rule 137); S.I. 2014/954, **art. 2**

F32 Rule 34.16(6) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **113(b)** (with rule 137); S.I. 2014/954, **art. 2**

F33 Words in rule 34.16 omitted (22.4.2014) by virtue of The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **113(c)** (with rule 137); S.I. 2014/954, **art. 2**

Consideration of revocation of a provisional order made by [^{F34}the family court]

34.17.—(1) This rule applies where—

- (a) [^{F35}the family court] has made a provisional order by virtue of section 3 of the 1972 Act;
- (b) before the order is confirmed, evidence is taken by the court or received by it as set out in section 5(9) of the 1972 Act; and
- (c) on consideration of the evidence the court considers that the order ought not to have been made.

(Section 5(9) of the 1972 Act provides that [^{F36}the family court] may revoke a provisional order made by it, before the order has been confirmed in a reciprocating country, if it receives new evidence.)

(2) The court officer must serve on the person who applied for the provisional order (“the applicant”) a notice which must—

- (a) set out the evidence taken or received by the court;
- (b) inform the applicant that the court considers that the order ought not to have been made; and
- (c) inform the applicant that the applicant may—
 - (i) make representations in relation to that evidence either orally or in writing; and
 - (ii) adduce further evidence.

(3) If an applicant wishes to adduce further evidence—

- (a) the applicant must notify the court officer at the court which made the order;
- (b) the court will fix a date for the hearing of the evidence; and
- (c) the court officer will notify the applicant in writing of the date fixed.

Textual Amendments

- F34** Words in rule 34.17 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 114](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F35** Words in rule 34.17(1)(a) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 114](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F36** Words in rule 34.17 substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 114](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

Notification of variation or revocation of a maintenance order by the High Court or ^{F37}the family court]

- 34.18.**—(1) This rule applies where—
- (a) a maintenance order has been sent to a reciprocating country in pursuance of section 2 of the 1972 Act; and
 - (b) the court makes an order, not being a provisional order, varying or revoking that order.
- (2) The court officer must send a certified copy of the order of variation or revocation to the relevant court in the reciprocating country.

(Rule 34.22 provides for the transmission of documents to a court in a reciprocating country.)

Textual Amendments

- F37** Words in rule 34.18 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 115](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

Notification of confirmation ^{F38}, variation] or revocation of a maintenance order by ^{F39}the family court]

- 34.19.**—(1) This rule applies where ^{F40}the family court] makes an order—
- (a) not being a provisional order, revoking ^{F41}or varying] a maintenance order to which section 5 of the 1972 Act ^{M4} applies;
 - (b) under section 9 of the 1972 Act, revoking ^{F42}or varying] a registered order; or
 - (c) under section 7(2) of the 1972 Act ^{M5}, confirming an order to which section 7 of that Act applies.

(2) The court officer must send written notice of the making, ^{F43}variation,] revocation or confirmation of the order, as appropriate, to the relevant court in the reciprocating country.

^{F44}(3)

(Section 5 of the 1972 Act applies to a provisional order made by ^{F45}the family court] in accordance with section 3 of that Act which has been confirmed by a court in a reciprocating country.) ^{F46} ...

Textual Amendments

- F38** Word in [rule 34.19](#) heading inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 116\(a\)\(i\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

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- F39** Words in rule 34.19 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **116(a)(ii)** (with rule 137); S.I. 2014/954, art. 2
- F40** Words in rule 34.19(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **116(b)(i)** (with rule 137); S.I. 2014/954, art. 2
- F41** Words in rule 34.19(1)(a) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **116(b)(ii)** (with rule 137); S.I. 2014/954, art. 2
- F42** Words in rule 34.19(1)(b) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **116(b)(ii)** (with rule 137); S.I. 2014/954, art. 2
- F43** Word in rule 34.19(2) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **116(c)** (with rule 137); S.I. 2014/954, art. 2
- F44** Rule 34.19(3) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **116(d)** (with rule 137); S.I. 2014/954, art. 2
- F45** Words in rule 34.19 substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **116(e)(i)** (with rule 137); S.I. 2014/954, art. 2
- F46** Words in rule 34.19 omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **116(e)(ii)** (with rule 137); S.I. 2014/954, art. 2

Marginal Citations

- M4** [Section 5](#) was amended by section 1 (2) of and paragraph 7 of Schedule 1 to the Maintenance Orders (Reciprocal Enforcement) Act 1992 and article 185(1) of and paragraph 67 of Schedule 9 to the [Children \(Northern Ireland\) Order 1995 \(S.I. 1995/755\)](#) and section 54(a) and (b) of the Domestic Proceedings and Magistrates' Courts Act 1978.
- M5** [Section 7\(2\)](#) was amended by section 1(2) of and paragraphs 8(2) to (5) of Schedule 1 to the Maintenance Orders (Reciprocal Enforcement) Act 1992.

Taking of evidence for court in reciprocating country

34.20.—(1) This rule applies where a request is made by or on behalf of a court in a reciprocating country for the taking of evidence for the purpose of proceedings relating to a maintenance order to which Part 1 of the 1972 Act applies. (Section 14 of the 1972 ^{M6} Act makes provision for the taking of evidence needed for the purpose of certain proceedings.)

- (2) The High Court has power to take the evidence where—
- the request for evidence relates to a maintenance order made by a superior court in the United Kingdom; and
 - the witness resides in England and Wales.

[^{F47}(3) The family court has power to take evidence where—

- the request for evidence relates to a maintenance order—
 - made by the family court; or
 - registered in the family court; or
- the Lord Chancellor sends to the family court a request to take evidence.

(Practice Direction 34E makes further provision on this matter)]

- (6) The evidence is to be taken in accordance with Part 22.

Textual Amendments

- F47** Rule 34.20(3) substituted for rule 34.20(3)-(5) (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **117** (with rule 137); S.I. 2014/954, **art. 2**

Marginal Citations

- M6** Section 14 was amended by article 14(1) of and paragraph 22 of Schedule 5 to the [Northern Ireland \(Modification of Enactments – No 1\) Order 1973 \(S.I. 1973/2163\)](#) and section 154 of and paragraph 105 of Schedule 7 to the Magistrates' Courts Act 1980 and article 170(2) of and paragraph 21 of Schedule 6 to the Magistrates' Courts (Northern Ireland) Order 1981.

Request for the taking of evidence by a court in a reciprocating country

34.21.—(1) This rule applies where a request is made by [^{F48}the family court] for the taking of evidence in a reciprocating country in accordance with section 14(5) of the 1972 Act.

(2) The request must be made in writing to the court in the reciprocating country.

(Rule 34.22 provides for the transmission of documents to a court in a reciprocating country.)

Textual Amendments

- F48** Words in rule 34.21(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **118** (with rule 137); S.I. 2014/954, art. 2

Transmission of documents

34.22.—(1) This rule applies to any document, including a notice or request, which is required to be sent to a court in a reciprocating country by—

- (a) Part 1 of the 1972 Act; or
- (b) Section 1 of Chapter 2 of this Part of these rules.

(2) The document must be sent to the Lord Chancellor for transmission to the court in the reciprocating country.

Method of payment under registered orders

34.23.—(1) Where an order is registered in [^{F49}the family court] in accordance with section 6(3) of the 1972 Act, the court must order that the payment of sums due under the order be made—

- (a) to the ^{F50}... registering court; and
- (b) at such time and place as the court officer directs.

(Section 6(3) of the 1972 Act makes provision for the registration of maintenance orders made in a reciprocating country.)

(2) Where the court orders payments to be made [^{F51}to the court], whether in accordance with paragraph (1) or otherwise, the court officer must send the payments—

- (a) by post to either—
 - (i) the court which made the order; or
 - (ii) such other person or authority as that court, or the Lord Chancellor, directs; or
- (b) if the court which made the order is a country or territory specified in the Practice Direction 34A—
 - (i) to the Crown Agents for Overseas Governments and Administrations for transmission to the person to whom they are due; or
 - (ii) as the Lord Chancellor directs.

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 34. (See end of Document for details)

(Practice Direction 34A contains further provisions relating to the payment of sums due under registered orders.)

Textual Amendments

- F49** Words in rule 34.23(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **119(a)(i)** (with rule 137); S.I. 2014/954, **art. 2**
- F50** Words in rule 34.23(1)(a) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **119(a)(ii)** (with rule 137); S.I. 2014/954, **art. 2**
- F51** Words in rule 34.23(2) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **119(b)** (with rule 137); S.I. 2014/954, **art. 2**

Enforcement of payments under registered orders

34.24.—(1) This rule applies where a court has ordered periodical payments under a registered maintenance order to be made to the court ^{F52}...

(2) The court officer must take reasonable steps to notify the payee of the means of enforcement available.

(3) Paragraph (4) applies where periodical payments due under a registered order are in arrears.

(4) The court officer, on that officer's own initiative—

(a) may; or

(b) if the sums due are more than 4 weeks in arrears, must,

proceed in that officer's own name for the recovery of the sums due unless of the view that it is unreasonable to do so.

Textual Amendments

- F52** Word in rule 34.24(1) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **120** (with rule 137); S.I. 2014/954, **art. 2**

Notification of registration and cancellation

34.25.—(1) The court officer must send written notice to the Lord Chancellor of the due registration of orders registered in accordance with section 6(3), 7(5), or 10(4) of the 1972 Act.

(2) The court officer must, when registering an order in accordance with section 6(3), 7(5), 9(10), 10(4) or (5) or 23(3) of the 1972 Act ^{M7}, send written notice to the payer stating—

(a) that the order has been registered;

(b) that payments under the order should be made to the court officer; and

(c) the hours during which and the place at which the payments should be made.

(3) The court officer must, when cancelling the registration of an order in accordance with section 10(1) of the 1972 Act, send written notice of the cancellation to the payer.

Marginal Citations

- M7** [Section 23\(3\)](#) was amended by section 90(1) of and paragraphs 71 and 75(1) and (2) of Schedule 13 to the Access to Justice Act 1999.

SECTION 2

Modification of rules in Section 1 of this Chapter

SUB-SECTION 1

Republic of Ireland

Application of Section 1 of this Chapter to the Republic of Ireland

^{F53}34.26.

Textual Amendments

F53 Pt. 34 Ch. 2 Section 2(1) omitted (18.6.2011) by virtue of [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), [rules 1, 22](#) (with transitional provisions in [rule 38\(2\)](#)); and rule 34.26, in so far as it is still in force, amended (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 121](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

SUB-SECTION 2

Hague Convention Countries

Application of Section 1 of this Chapter to the Hague Convention Countries

34.27.—(1) In relation to the Hague Convention Countries, Section 1 of this Chapter has effect as modified by this rule.

(2) A reference in this rule, and in any rule which has effect in relation to the Hague Convention Countries by virtue of this rule to—

- (a) the 1972 Act is a reference to the 1972 Act as modified by Schedule 2 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993 ^{M8}; and
- (b) a section under the 1972 Act is a reference to the section so numbered in the 1972 Act as so modified.

(3) A reference to a reciprocating country in rule 34.12(1) and Section 1 of this Chapter is a reference to a Hague Convention Country.

(4) Rules 34.15 (certification of evidence given on provisional orders), 34.16 (confirmation of provisional orders), 34.19 (notification of confirmation [^{F54}, variation] or revocation of a maintenance order by [^{F55}the family court]) and 34.21 (request for the taking of evidence by a court in a reciprocating country) do not apply.

(5) For rule 34.17 (consideration of revocation of a provisional order made by [^{F56}the family court]) substitute—

^{F57}Consideration of variation or revocation of a maintenance order made by the family court]

34.17.—(1) This rule applies where—

- (a) an application has been made to [^{F58}the family court by a payee for the variation or revocation] of an order to which section 5 of the 1972 Act applies; and
- (b) the payer resides in a Hague Convention Country.

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 34. (See end of Document for details)

(2) The court officer must serve on the payee, by post, a copy of any representations or evidence adduced by or on behalf of the payer.

(^{F59} ...)

(6) For rule 34.18 (notification of variation or revocation of a maintenance order by the High Court or [^{F60}the family court]) substitute—

“Notification of variation or revocation of a maintenance order by the High Court or [^{F61}the family court]

34.18.—(1) This rule applies if the High Court or [^{F62}the family court] makes an order varying or revoking a maintenance order to which section 5 of the 1972 Act applies.

(2) If the time for appealing has expired without an appeal having been entered, the court officer will send to the Lord Chancellor—

- (a) the documents required by section 5(8) of the 1972 Act; and
- (b) a certificate signed by [^{F63}a judge] stating that the order of variation or revocation is enforceable and no longer subject to the ordinary forms of review.

(3) A party who enters an appeal against the order of variation or revocation must, at the same time, give written notice to the court officer.”.

(7) For rule 34.23(2) (method of payment under registered orders) substitute—

“(2) Where the court orders payment to be [^{F64}made to the court], the court officer must send the payments by post to the payee under the order.”.

(8) For rule 34.25 (notification of registration and cancellation) substitute—

“Notification of registration and cancellation

34.25. The court officer must send written notice to—

- (a) the Lord Chancellor, on the due registration of an order under section 10(4) of the 1972 Act; and
- (b) the payer under the order, on—
 - (i) the registration of an order under section 10(4) of the 1972 Act; or
 - (ii) the cancellation of the registration of an order under section 10(1) of the 1972 Act.”.

(9) After rule 34.25 insert—

“General provisions as to notices

34.25A.—(1) A notice to a payer of the registration of an order in [^{F65}the family court] in accordance with section 6(3) of the 1972 Act must be in the form referred to in a practice direction. (Section 6(8) of the 1972 Act requires notice of registration to be given to the payer.)

(2) If the court sets aside the registration of a maintenance order following an appeal under section 6(9) of the 1972 Act, the court officer must send written notice of the decision to the Lord Chancellor.

(3) A notice to a payee that the court officer has refused to register an order must be in the form referred to in a practice direction. (Section 6(11) of the 1972 Act requires notice of refusal of registration to be given to the payee.)

(4) Where, under any provision of Part 1 of the 1972 Act, a court officer serves a notice on a payer who resides in a Hague Convention Country, the court officer must send to the Lord Chancellor a certificate of service.”.

Textual Amendments

- F54** Word in rule 34.27(4) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 122\(a\)\(i\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F55** Words in rule 34.27(4) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 122\(a\)\(ii\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F56** Words in rule 34.27(5) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 122\(b\)\(i\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F57** Words in rule 34.27(5) heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 122\(b\)\(ii\)\(aa\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F58** Words in rule 34.27(5) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 122\(b\)\(ii\)\(bb\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F59** Words in rule 34.27(5) omitted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 122\(b\)\(ii\)\(cc\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F60** Words in rule 34.27(6) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 122\(c\)\(i\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F61** Words in rule 34.27(6) heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 122\(c\)\(ii\)\(aa\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F62** Words in rule 34.27(6) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 122\(c\)\(ii\)\(aa\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F63** Words in rule 34.27(6) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 122\(c\)\(ii\)\(bb\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F64** Words in rule 34.27(7) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 122\(d\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F65** Words in rule 34.27(9) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 122\(e\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

Marginal Citations

- M8** [S.I. 1993/593](#).

SUB-SECTION 3

United States of America

Application of Section 1 of this Chapter to the United States of America

34.28.—(1) In relation to the United States of America, Section 1 of this Chapter has effect as modified by this rule.

(2) A reference in this rule and in any rule which has effect in relation to the United States of America by virtue of this rule to—

- (a) the 1972 Act is a reference to the 1972 Act as modified by Schedule 1 to the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007^{M9}; and
- (b) a section under the 1972 Act is a reference to the section so numbered in the 1972 Act as so modified.

(3) A reference to a reciprocating country in rule 34.12(1) and Section 1 of this Chapter is a reference to the United States of America.

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 34. (See end of Document for details)

(4) Rules 34.15 (certification of evidence given on provisional orders), 34.16 (confirmation of provisional orders), 34.19 (notification of confirmation [F66, variation] or revocation of a maintenance order made by [F67the family court]) and 34.21 (request for the taking of evidence in a reciprocating country) do not apply.

(5) For rule 34.17 (consideration of revocation of a provisional order made by [F68the family court]) substitute—

[F69“Consideration of variation or revocation of a maintenance order made by the family court]”

34.17.—(1) This rule applies where—

- (a) an application has been made to [F70the family court] by a payee for the variation or revocation] of an order to which section 5 of the 1972 Act applies; and
- (b) the payer resides in the United States of America.

(2) The court officer must serve on the payee by post a copy of any representations or evidence adduced by or on behalf of the payer.

(F71 ...).”

(6) For rule 34.18 (notification of variation or revocation), substitute—

“Notification of variation or revocation

34.18. If the High Court or [F72the family court] makes an order varying or revoking a maintenance order to which section 5 of the 1972 Act applies, the court officer will send to the Lord Chancellor the documents required by section 5(7) of that Act.”

(7) For 34.23(2)(method of payment under registered orders) substitute—

“(2) Where the court orders payment to be [F73made to the court], the court officer must send the payments by post to the payee under the order.”

(8) For rule 34.25 (notification of registration and cancellation) substitute—

“Notification of registration and cancellation

34.25. The court officer must send written notice to—

- (a) the Lord Chancellor, on the due registration of an order under section 10(4) of the 1972 Act; or
- (b) the payer under the order, on—
 - (i) the registration of an order under section 10(4) of the 1972 Act; or
 - (ii) the cancellation of the registration of an order under section 10(1) of that Act.”

Textual Amendments

F66 Word in rule 34.28(4) inserted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 123\(a\)\(i\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

F67 Words in [rule 34.28\(4\)](#) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 123\(a\)\(ii\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

F68 Words in [rule 34.28\(5\)](#) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 123\(b\)\(i\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

F69 Words in [rule 34.28\(5\)](#) heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 123\(b\)\(ii\)\(aa\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

- F70** Words in rule 34.28(5) substituted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **123(b)(ii)(bb)** (with rule 137); S.I. 2014/954, art. 2
- F71** Words in rule 34.28(5) omitted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **123(b)(ii)(cc)** (with rule 137); S.I. 2014/954, art. 2
- F72** Words in rule 34.28(6) inserted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **123(c)** (with rule 137); S.I. 2014/954, art. 2
- F73** Words in rule 34.28(7) substituted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **123(d)** (with rule 137); S.I. 2014/954, art. 2

Marginal Citations

- M9** S.I. 2007/2006.

***F74** SECTION 3*

Proceedings in a Hague Convention Country or in the United States of America

Textual Amendments

- F74** Pt. 34 Ch. 2 Section 3 inserted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **124** (with rule 137); S.I. 2014/954, art. 2

Notification of proceedings in a Hague Convention Country or in the United States of America

34.28ZA. Practice Direction 34E applies where the court officer receives from the Lord Chancellor notice of the institution of proceedings, including notice of the substance of a claim, in a Hague Convention Country or in the United States of America in relation to the making, variation or revocation of a maintenance order.]

***F75** SECTION 4*

Reciprocal enforcement of claims for the recovery of maintenance

Textual Amendments

- F75** Pt. 34 Ch. 2 Section 4 inserted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **124** (with rule 137); S.I. 2014/954, art. 2

Interpretation

34.28ZB. In this Section—

“convention country” means a country or territory specified in an Order in Council made under section 25 of the 1972 Act; and

an expression defined in the 1972 Act has the meaning given to it in that Act.

Dismissal of an application under section 27A of the 1972 Act or application for variation

34.28ZC.—(1) Where the family court dismisses an application under—

- (a) section 27A of the 1972 Act (application for recovery of maintenance); or

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 34. (See end of Document for details)

(b) an application by a person in a convention country for the variation of a registered order, the court officer will send a written notice of the court's decision to the Lord Chancellor.

(2) The notice will include a statement of the court's reasons for its decision.

Application for recovery of maintenance in England and Wales: section 27B of the 1972 Act

34.28ZD.—(1) Where the family court receives an application for the recovery of maintenance sent from the Lord Chancellor under section 27B of the 1972 Act, the court will—

- (a) fix the date, time and place for a hearing or directions appointment, allowing sufficient time for service under this rule to be effected at least 21 days before the date fixed; and
- (b) serve copies of the application and any accompanying documents, together with a notice stating the date, time and place so fixed, on the respondent.

(2) Within 14 days of service under this rule, the respondent must file an answer to the application in the form referred to in Practice Direction 5A.

Application under section 26(1) or (2) of the 1972 Act and certificate under section 26(3A) of the 1972 Act: registration

34.28ZE. Where—

- (a) an application under section 26(1) or (2) of the 1972 Act; or
- (b) a certificate under section 26(3A) of the 1972 Act,

is required to be registered in the family court by virtue of the Recovery of Maintenance (United States of America) Order 2007, the court officer will enter a minute or memorandum of the application or certificate in the register.

Registration of an order: sections 27C(7) and 32(3) and (6) of the 1972 Act

34.28ZF.—(1) Where the family court makes an order which is required under section 27C(7) of the 1972 Act to be registered, the court officer will enter a minute or memorandum of the order in the register.

(2) Where a court officer receives under section 32(3) of the 1972 Act a certified copy of an order, the court officer will register the order by means of a minute or memorandum in the register.

(3) Every minute or memorandum entered under paragraph (1) or (2) will specify the section and subsection of the 1972 Act under which the order in question is registered.

(4) Where a court officer registers an order as required by section 27C(7) or 32(3) of the 1972 Act, the court officer will send written notice to the Lord Chancellor that the order has been registered.

(5) Where a court officer is required by section 32(6) of the 1972 Act to give notice of the registration of an order, the court officer will do this by sending written notice to the officer specified in that subsection that the order has been registered.

Payments made to the family court

34.28ZG.—(1) Where payments are made to the family court by virtue of section 27C or 34A of the 1972 Act, the court officer will send those payments by post to such person or authority as the Lord Chancellor may from time to time direct.

(2) Subject to paragraph (3), if it appears to a court officer that any sums payable under a registered order are in arrears, the officer may proceed in the officer's own name for the recovery of those sums.

(3) Where it appears to the officer that sums payable under the order are in arrears to an amount equal—

- (a) in the case of payments to be made monthly or less frequently, to twice the sum payable periodically; or
- (b) in any other case, to four times the sum payable periodically,

the officer will proceed in the officer's own name for the recovery of those sums, unless it appears to the officer that it is unreasonable in the circumstances to do so.

Method of payment

34.28ZH.—(1) This rule applies where the family court exercises its duties or powers under section 27C or 34A of the 1972 Act.

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

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

(3) Paragraph (4) applies where the court orders that payments be made to the court by a method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991.

(4) The court officer will notify the person liable to make the 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.

Application under section 34 of the 1972 Act: variation or revocation

34.28ZI.—(1) This rule applies in relation to an application under section 34 of the 1972 Act for the variation or revocation of a registered order.

(2) An application which is made directly to the registering court must be filed in the form referred to in Practice Direction 5A.

(3) Where the court receives an application, either filed in accordance with paragraph (2) or sent from the Lord Chancellor under section 34(3) of the 1972 Act—

- (a) the court will set the date, time and place for a hearing or directions appointment; and
- (b) the court officer will notify the applicant of the date, time and place.

Application under section 35 of the 1972 Act: variation or revocation

34.28ZJ.—(1) This rule applies in relation to an application under section 35 of the 1972 Act for the variation or revocation of a registered order.

(2) Notice under section 35(3)(b) of the 1972 Act of the time and place appointed for the hearing of the application will be in the form specified in Practice Direction 34D.

(3) The court officer will send the notice by post to the Lord Chancellor for onward transmission to the appropriate authority in the convention country in which the respondent is residing.

(4) The time appointed for the hearing of the application will not be less than six weeks later than the date on which the notice is sent to the Lord Chancellor.

Request under section 38(1) of the 1972 Act to the family court

34.28ZK.—(1) This rule applies where the family court receives from the Lord Chancellor a request under section 38(1) of the 1972 Act (taking evidence at the request of a court in a convention country) to take the evidence of any 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 34. (See end of Document for details)

(2) Subject to paragraph (3)—

- (a) the evidence will be taken in the same manner as if the person concerned were a witness in family proceedings;
- (b) any oral evidence so taken will be put into writing and read to the person who gave it, who must sign the document; and
- (c) the judge who takes any such evidence of any person will certify at the foot of the document setting out the evidence of, or produced in evidence by, that person that such evidence was taken, or document received in evidence, as the case may be, by that judge.

(3) Where the request referred to in section 38(2) of the 1972 Act includes a request that the evidence be taken in a particular manner, the court by which the evidence is taken will, so far as circumstances permit, comply with that request.

Request under section 38(1) of the 1972 Act to the officer of the court

34.28ZL.—(1) This rule applies where an officer of the court receives from the Lord Chancellor a request under section 38(1) of the 1972 Act to take the evidence of any person.

(2) Subject to paragraph (3)—

- (a) the person whose evidence is to be taken will be examined on oath by or before a justices' clerk or any other court officer determined by the Lord Chancellor;
- (b) any oral evidence will be put into writing and read to the person who gave it, who must sign the document; and
- (c) the justices' clerk or other officer will certify at the foot of the document setting out the evidence of, or produced by, that person, that such evidence was taken, or document received in evidence, as the case may be, by that justices' clerk or other officer.

(3) Where the request referred to in section 38(1) of the 1972 Act includes a request that the evidence be taken in a particular manner, the justices' clerk or other officer by whom the evidence is taken will, so far as circumstances permit, comply with that request.

(4) For the purposes of this rule, the justices' clerk or other officer has the same power to administer oaths as a single justice of the peace.

Onward transmission of documents

34.28ZM. Any document mentioned in rule 34.28ZK(2)(c) or rule 34.28ZL(2)(c) will be sent to the Lord Chancellor for onward transmission to the appropriate authority in the convention country in which the request referred to in section 38(1) of the 1972 Act originated.]

CHAPTER 3

ENFORCEMENT OF MAINTENANCE ORDERS UNDER THE CIVIL JURISDICTION AND JUDGMENTS ACT 1982, THE JUDGMENTS REGULATION [F76, THE MAINTENANCE REGULATION] [F77, THE 2007 HAGUE CONVENTION] AND THE LUGANO CONVENTION

Textual Amendments

F76 Words in Pt. 34 Ch. 3 heading inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **23**

F77 Words in Pt. 34 Ch. 3 heading inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **20**

[^{F78} Application of this Chapter**34.28A.**—(1) In this Chapter—**[^{F79}(a)** references to a maintenance order include—

- (i) a decision, a court settlement or an authentic instrument within the meaning of Article 2 of the Maintenance Regulation where that Regulation applies;
- (ii) a maintenance decision to which Chapter V of the 2007 Hague Convention applies by virtue of Article 19(1) of that Convention;
- (iii) a maintenance arrangement (as defined in Article 3(e) of the 2007 Hague Convention) which is to be recognised and enforceable in the same way as a maintenance decision by virtue of Article 30 of that Convention;]

(b) references to the Hague Protocol are to the Protocol on the Law Applicable to Maintenance Obligations done at The Hague on 23 November 2007 [^{F80};

[“the 1968 Convention” has the meaning given in the 1982 Act.]

^{F81}(c)

(2) In relation to the Maintenance Regulation—

- (a) Section 1 applies to maintenance orders to which Sections 2 and 3 of Chapter IV of the Maintenance Regulation apply (decisions given in a Member State which does not apply the rules of the Hague Protocol, that is, Denmark, and decisions to which Sections 2 and 3 of Chapter IV of that Regulation apply by virtue of Article 75(2)(a) or (b));
- (b) Section 2 applies to all maintenance orders made in a magistrates’ court in England and Wales for which reciprocal enforcement is sought in any Member State of the European Union, including Denmark.

(^{F82} ...)]**Textual Amendments**

- F78** Rule 34.28A inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), [rules 1, 24](#)
- F79** [Rule 34.28A\(1\)\(a\)](#) substituted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), [rules 1, 21](#)
- F80** Punctuation in [rule 34.28A\(1\)\(b\)](#) substituted (6.4.2012) by [The Family Procedure \(Amendment\) Rules 2012 \(S.I. 2012/679\)](#), [rules 1, 28\(a\)](#) (with [rule 30](#))
- F81** [Rule 34.28A\(1\)\(c\)](#) inserted (6.4.2012) by [The Family Procedure \(Amendment\) Rules 2012 \(S.I. 2012/679\)](#), [rules 1, 28\(b\)](#) (with [rule 30](#))
- F82** Words in [rule 34.28A](#) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 125](#) (with [rule 137](#)); [S.I. 2014/954](#), [art. 2](#)

SECTION 1*Registration and Enforcement in a Magistrates' Court of Maintenance Orders made in a Contracting State to the 1968 Convention, a Contracting State to the 1988 Convention,*

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 34. (See end of Document for details)

a Regulation State ^{F83}, a State bound by the 2007 Hague Convention other than a Member State of the European Union] or a State bound by the Lugano Convention

Textual Amendments

F83 Words in Pt. 34 Ch. 3 Section 1 heading inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **22**

Interpretation

34.29. In this Section—

- (a) an expression defined in the 1982 Act has the meaning given to it in that Act ^{F84}, subject to paragraph (b)]; and
- ^{F85}(b) “Regulation State” means a Member State of the European Union which does not apply the rules of the Hague Protocol, or, where registration is sought for a maintenance order to which Article 75(2)(a) or (b) of the Maintenance Regulation applies, the Member State of the European Union from which the order originated.]

Textual Amendments

F84 Words in rule 34.29(a) inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **25(a)**

F85 Rule 34.29(b) substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **25(b)**

Application under Article 30 of the Maintenance Regulation or under Article 23 of the 2007 Hague Convention for a declaration of enforceability

^{F86}**34.29A.**

Textual Amendments

F86 Rule 34.29A omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **126** (with rule 137); S.I. 2014/954, **art. 2**

Registration of maintenance orders

34.30.—^{F87}(1)

- (2) [^{F88}This rule and Practice Direction 34E apply where the family court] receives—
 - (a) an application under Article 31 of the 1968 Convention for the enforcement of a maintenance order made in a Contracting State other than the United Kingdom;
 - (b) an application under Article 31 of the 1988 Convention for the enforcement of a maintenance order made in a State bound by the 1988 Convention other than a Member State of the European Union;
 - ^{F89}(c) an application under Article 26 of the Maintenance Regulation for a declaration of enforceability of a maintenance order made in a Regulation State other than the United Kingdom; ^{F90} ...]

- (d) an application under Article 38 of the Lugano Convention for the enforcement of a maintenance order made in a State bound by the Lugano Convention other than a Member State of the European Union ^{F91}...^{F92}; or
- (e) an application under Article 23 of the 2007 Hague Convention for registration of a maintenance order made in a State bound by that Convention other than a Member State of the European Union.]
- ^{F93}(3)
- ^{F94}(4)
- ^{F95}(5)
- (6) Except where [^{F96}Practice Direction 34E provides otherwise, the court] must register the order unless—
 - (a) in the case of an application under Article 31 of the 1968 Convention, Articles 27 or 28 of that Convention apply; ^{F97}...
 - (b) in the case of an application under Article 31 of the 1988 Convention, Articles 27 or 28 of that Convention apply ^{F98}... [^{F99}; and
 - (c) in the case of an application under Article 23(2) or (3) of the 2007 Hague Convention, Article 22(a) of that Convention applies.]
- (7) If the court ^{F100}... refuses to register an order to which this rule relates the court officer must notify the applicant.
- (8) If the court ^{F101}... registers an order the court officer must send written notice of that fact to—
 - (a) the Lord Chancellor;
 - (b) the payer; and
 - (c) the applicant.
- ^{F102}(9)

Textual Amendments

- F87** Rule 34.30(1) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 127\(a\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F88** Words in [rule 34.30\(2\)](#) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 127\(b\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F89** Rule 34.30(2)(c) substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), [rules 1, 27](#) (with [rule. 38\(1\)\(a\)](#))
- F90** Word in [rule 34.30\(2\)\(c\)](#) omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), [rules 1, 24\(a\)\(i\)](#)
- F91** Rule 34.30(2)(d) full stop omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), [rules 1, 24\(a\)\(ii\)](#)
- F92** Rule 34.30(2)(e) and word inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), [rules 1, 24\(a\)\(ii\)](#)
- F93** Rule 34.30(3) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 127\(e\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F94** Rule 34.30(4) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 127\(e\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F95** Rule 34.30(5) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 127\(e\)](#) (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 34. (See end of Document for details)

- F96** Words in rule 34.30(6) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **127(d)** (with rule 137); S.I. 2014/954, art. 2
- F97** Word in rule 34.30(6)(a) omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **24(b)(i)**
- F98** Rule 34.30(6)(b) full stop omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **24(b)(ii)**
- F99** Rule 34.30(6)(c) and word inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **24(b)(ii)**
- F100** Word in rule 34.30(7) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **127(e)** (with rule 137); S.I. 2014/954, art. 2
- F101** Word in rule 34.30(8) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **127(e)** (with rule 137); S.I. 2014/954, art. 2
- F102** Rule 34.30(9) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **127(f)** (with rule 137); S.I. 2014/954, art. 2

Appeal from a decision relating to registration

34.31.—(1) This rule applies to an appeal under—

- (a) Article 36 or Article 40 of the 1968 Convention;
- (b) Article 36 or Article 40 of the 1988 Convention;
- ^{F103}(c) Article 32 of the Maintenance Regulation; ^{F104}...
- (d) Article 43 of the Lugano Convention. ^{F105}... ^{F106}; or
- (e) Article 23(5) of the 2007 Hague Convention.]

^{F107}(2) The appeal must be to the family court.

(Practice Direction 34E makes provision in relation to such cases.)]

Textual Amendments

- F103** Rule 34.31(1)(c) substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **28** (with rule. 38(1)(a))
- F104** Word in rule 34.31(1)(c) omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), art. 1, **rule 25(a)**
- F105** Rule 34.31(1)(d) full stop omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **25(b)**
- F106** Rule 34.31(1)(e) and word inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **25(b)**
- F107** Rule 34.31(2) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **128** (with rule 137); S.I. 2014/954, **art. 2**

Payment of sums due under a registered order

34.32.—(1) Where an order is registered in accordance with section 5(3) of the 1982 Act [^{F108},] Article 38 of the Judgments Regulation [^{F109},] Article 38 of the Lugano Convention [^{F110}or Article 23 of the 2007 Hague Convention], [^{F111}or declared enforceable under Article 26 of the Maintenance Regulation by virtue of registration,] the court [^{F112}may] order that payment of sums due under the order be made [^{F113}to the court, at such time and place as directed.]

(2) Where the court orders payments to be made to the court ^{F114}..., whether in accordance with paragraph (1) or otherwise, the court officer must send the payments by post either—

- (a) to the court which made the order; or
- (b) to such other person or authority as that court, or the Lord Chancellor, directs.

(Practice Direction 34A contains further provisions relating to the payment of sums due under registered orders.)

Textual Amendments

- F108** Rule 34.32(1): comma substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **29(a)**
- F109** Rule 34.32(1): comma substituted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **26(a)**
- F110** Words in rule 34.32(1) inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **26(b)**
- F111** Words in rule 34.32(1) inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **29(b)**
- F112** Word in rule 34.32(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **129(a)(i)** (with rule 137); S.I. 2014/954, **art. 2**
- F113** Words in rule 34.32(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **129(a)(ii)** (with rule 137); S.I. 2014/954, **art. 2**
- F114** Word in rule 34.32(2) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **129(b)** (with rule 137); S.I. 2014/954, **art. 2**

Enforcement of payments under registered orders

34.33.—(1) This rule applies where a court has ordered periodical payments under a registered maintenance order to be made to the [^{F115}the family court].

(2) The court officer must take reasonable steps to notify the payee of the means of enforcement available.

(3) Paragraph (4) applies where periodical payments due under a registered order are in arrears.

(4) The court officer, on that officer's own initiative—

- (a) may; or
- (b) if the sums due are more than 4 weeks in arrears, must,

proceed in that officer's own name for the recovery of the sums due unless of the view that it is unreasonable to do so.

Textual Amendments

- F115** Words in rule 34.33(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **130** (with rule 137); S.I. 2014/954, **art. 2**

Variation and revocation of registered orders

34.34.—(1) This rule applies where the court officer for a registering court receives notice that a registered maintenance order has been varied or revoked by a competent court in a Contracting State to the 1968 Convention, a Contracting State to the 1988 Convention (other than a Member State of the European Union), a Regulation State or a State bound by the Lugano Convention [^{F116}or by the 2007 Hague Convention], other than a Member State of the European Union.

(2) The court officer for the registering court must—

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 34. (See end of Document for details)

- (a) register the order of variation or revocation; and
- (b) send notice of the registration by post to the payer and payee under the order.

[^{F117}(3) Where the court officer for a registering court receives notice that a maintenance order registered in that court by virtue of the provisions of the Judgments Regulation has been varied or revoked by a competent court in another Member State of the European Union, the court officer must—

- (a) note against the entry in the register that the original order so registered has been varied or revoked, as the case may be; and
- (b) send notice of the noting of the variation or revocation, as the case may be, by post to the payer and payee under the order.]

Textual Amendments

- F116** Words in [rule 34.34\(1\)](#) inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), [rules 1, 27](#)
- F117** [Rule 34.34\(3\)](#) inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), [rules 1, 30](#)

[^{F118}Registered order: payer residing in a different Designated Family Judge area

34.35. Practice Direction 34E makes provision for cases where a court officer in the Designated Family Judge area where an order is registered considers that the payer is residing in a different Designated Family Judge area.]

Textual Amendments

- F118** [Rule 34.35](#) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 131](#) (with [rule 137](#)); [S.I. 2014/954](#), [art. 2](#)

Cancellation of registered orders

34.36.—[^{F119}(1) Where the court officer for the registering court—

- (a) has no reason to send papers to another Designated Family Judge area under Practice Direction 34E; and
- (b) considers that the payer under the registered order is not residing within the Designated Family Judge area where the order is registered,

the court officer will cancel the registration of the order.]

(2) The court officer must—

- (a) give notice of cancellation to the payee; and
- (b) send the information and documents relating to the registration and the other documents referred to in [rule 34.35\(2\)](#) to the Lord Chancellor.

Textual Amendments

- F119** [Rule 34.36\(1\)](#) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 132](#) (with [rule 137](#)); [S.I. 2014/954](#), [art. 2](#)

[^{F120}Directions as to stays, documents and translations

34.36A. At any stage in proceedings for registration of a maintenance order under this Section of this Chapter, the court may give directions about the conduct of the proceedings, including—

- (a) staying of proceedings in accordance with—
 - (i) Article 30 or 38 of the 1968 Convention,
 - (ii) Article 30 or 38 of the 1988 Convention,
 - (iii) Article 37 or 46 of the Lugano Convention, ^{F121} ...
 - (iv) Article 25 or 35 of the Maintenance Regulation ^{F122} ... [^{F123}, or
 - (v) Article 30(6) of the 2007 Hague Convention;]
- (b) the provision of documents in accordance with—
 - (i) Article 48 of the 1968 Convention,
 - (ii) Article 48 of the 1988 Convention,
 - (iii) Article 55 of the Lugano Convention, ^{F124} ...
 - (iv) Article 29 of the Maintenance Regulation ^{F125} ... [^{F126}, or
 - (v) Article 25 or 30 of the 2007 Hague Convention;]
- (c) the provision of translations in accordance with—
 - (i) Article 48 of the 1968 Convention,
 - (ii) Article 48 of the 1988 Convention,
 - (iii) Article 55 of the Lugano Convention, ^{F127} ...
 - (iv) Article 28 of the Maintenance Regulation ^{F128} ... [^{F129}, or
 - (v) in relation to an application under this Section relating to the 2007 Hague Convention, without prejudice to Article 44 of that Convention.]]

Textual Amendments

- F120** Rule 34.36A inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011](#) (S.I. 2011/1328), [rules 1](#), [32](#) (with [art. 38\(1\)\(b\)](#))
- F121** Word in [rule 34.36A\(a\)\(iii\)](#) omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012](#) (S.I. 2012/2806), [rules 1](#), [29\(a\)\(i\)](#)
- F122** [Rule 34.36A\(a\)\(iv\)](#) semicolon omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012](#) (S.I. 2012/2806), [rules 1](#), [29\(a\)\(ii\)](#)
- F123** [Rule 34.36A\(a\)\(v\)](#) and word inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012](#) (S.I. 2012/2806), [rules 1](#), [29\(a\)\(ii\)](#)
- F124** Word in [rule 34.36A\(b\)\(iii\)](#) omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012](#) (S.I. 2012/2806), [rules 1](#), [29\(b\)\(i\)](#)
- F125** [Rule 34.36A\(b\)\(iv\)](#) semicolon omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012](#) (S.I. 2012/2806), [rules 1](#), [29\(b\)\(ii\)](#)
- F126** [Rule 34.36A\(b\)\(v\)](#) and word inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012](#) (S.I. 2012/2806), [rules 1](#), [29\(b\)\(ii\)](#)
- F127** Word in [rule 34.36A\(c\)\(iii\)](#) omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012](#) (S.I. 2012/2806), [rules 1](#), [29\(c\)\(i\)](#)
- F128** [Rule 34.36A\(c\)\(iv\)](#) full stop omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012](#) (S.I. 2012/2806), [rules 1](#), [29\(c\)\(ii\)](#)

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 34. (See end of Document for details)

F129 Rule 34.36A(c)(v) and word inserted (20.12.2012) by The Family Procedure (Amendment No. 4) Rules 2012 (S.I. 2012/2806), rules 1, **29(c)(ii)**

[^{F130}International Maintenance Obligations; Communication with the Central Authority for England and Wales

34.36B.—(1) Where the Lord Chancellor requests information or a document from the court officer for the relevant court for the purposes of Article 58 of the Maintenance Regulation, or Article 12 or 25(2) of the 2007 Hague Convention, the court officer shall provide the requested information or document to the Lord Chancellor forthwith.

(2) In this rule, “relevant court” means the court at which an application under Article 56 of the Maintenance Regulation or Article 10 of the 2007 Hague Convention has been filed.

[The Lord Chancellor is the Central Authority for the 2007 Hague Convention and the Maintenance Regulation]]

Textual Amendments

F130 Rule 34.36B inserted (20.12.2012) by The Family Procedure (Amendment No. 4) Rules 2012 (S.I. 2012/2806), rules 1, **30**

[^{F131}The Maintenance Regulation: applications for enforcement or for refusal or suspension of enforcement

34.36C. Practice Direction 34E makes provision regarding—

- (a) an application for enforcement of a maintenance decision to which section 1 of Chapter IV of the Maintenance Regulation applies; and
- (b) an application by a debtor under Article 21 of the Maintenance Regulation for refusal or suspension of enforcement.]

Textual Amendments

F131 Rule 34.36C inserted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), art. 1, **rule 133** (with art. 137); S.I. 2014/954, art. 2

SECTION 2

Reciprocal enforcement in a Contracting State or [^{F132}a Member State of the European Union] of Orders of a court in England and Wales

Textual Amendments

F132 Words in Pt. 34 Ch. 3 heading substituted (18.6.2011) by The Family Procedure (Amendment) Rules 2011 (S.I. 2011/1328), rules 1, **33**

Application in a magistrates' court for a maintenance order, or revocation of a maintenance order, to which the 1982 Act, the Judgments Regulations or the Lugano Convention applies

^{F133}**34.37.**

Textual Amendments

F133 Rule 34.37 omitted (18.6.2011) by virtue of [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, 34

Admissibility of Documents

34.38.—(1) This rule applies to a document, referred to in paragraph (2) and authenticated in accordance with paragraph (3), which comprises, records or summarises evidence given in, or information relating to, proceedings in a court in another part of the UK, another Contracting State to the 1968 Convention or the 1988 Convention, [^{F134}Member State of the European Union] or State bound by the Lugano Convention, [^{F135}or by the 2007 Hague Convention,] and any reference in this rule to “the court”, without more, is a reference to that court.

(2) The documents referred to at paragraph (1) are documents which purport to—

- (a) set out or summarise evidence given [^{F136}to] the court;
- (b) have been received in evidence [^{F137}to] the court;
- (c) set out or summarise evidence taken in the court for the purpose of proceedings in a court in England and Wales to which the 1982 Act [^{F138}, the Judgments Regulation [^{F139},] the Maintenance Regulation][^{F140}or the 2007 Hague Convention] applies; or
- (d) record information relating to payments made under an order of the court.

(3) A document to which paragraph (1) applies shall, in any proceedings in [^{F141}the family court] relating to a maintenance order to which the 1982 Act [^{F142}, the Judgments Regulation [^{F143},] the Maintenance Regulation][^{F144}or the 2007 Hague Convention] applies, be admissible as evidence of any fact stated in it to the same extent as oral evidence of that fact is admissible in those proceedings.

(4) A document to which paragraph (1) applies shall be deemed to be authenticated—

- (a) in relation to the documents listed at paragraph 2(a) or (c), if the document purports to be—
 - (i) certified by the judge or official before whom the evidence was given or taken; or
 - (ii) the original document recording or summarising the evidence, or a true copy of that document;
- (b) in relation to a document listed at paragraph (2)(b), if the document purports to be certified by a judge or official of the court to be, or to be a true copy of, the document received in evidence; and
- (c) in relation to the document listed at paragraph (2)(d), if the document purports to be certified by a judge or official of the court as a true record of the payments made under the order.

(5) It shall not be necessary in any proceedings in which evidence is to be received under this rule to prove the signature or official position of the person appearing to have given the certificate referred to in paragraph (4).

(6) Nothing in this rule shall prejudice the admission in evidence of any document which is admissible in evidence apart from this rule.

[^{F145}(7) Any request by [^{F146}the family court] for the taking or providing of evidence by a court in a State listed in paragraph (8) for the purposes of proceedings to which an instrument listed in that paragraph applies, or by a court in another part of the United Kingdom, shall be communicated in writing to the court in question.

(8) The States and instruments referred to in paragraph (7) are—

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 34. (See end of Document for details)

- (a) a Contracting State to the 1968 Convention;
- (b) a Contracting State to the 1988 Convention;
- (c) a State bound by the Lugano Convention;
- (d) Denmark, in relation to proceedings to which the Maintenance Regulation applies;
- (e) a State bound by the 2007 Hague Convention,

but this paragraph and paragraph (7) do not apply where the State in question is a Member State of the European Union to which the Taking of Evidence Regulation (as defined in rule 24.15) applies.]

Textual Amendments

- F134** Words in rule 34.38(1) substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **35(a)**
- F135** Words in rule 34.38(1) inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **31(a)**
- F136** Word in rule 34.38(2)(a) substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **35(b)(i)**
- F137** Word in rule 34.38(2)(b) inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **35(b)(ii)**
- F138** Words in rule 34.38(2)(c) inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **35(b)(iii)**
- F139** Rule 34.38(2)(c): comma substituted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **31(b)(i)**
- F140** Words in rule 34.38(2)(c) inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **31(b)(ii)**
- F141** Words in rule 34.38(3) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **134** (with rule 137); S.I. 2014/954, **art. 2**
- F142** Words in rule 34.38(3) inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **35(c)**
- F143** Rule 34.38(3): comma substituted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **31(c)(i)**
- F144** Words in rule 34.38(3) inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **31(c)(ii)**
- F145** Rule 34.38(7)(8) substituted for rule 34.38(7) (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **31(d)**
- F146** Words in rule 34.38(7) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **134** (with rule 137); S.I. 2014/954, **art. 2**

Enforcement of orders of ^{F147}the family court]

34.39.—^{F148}(1) A person who wishes to enforce a maintenance order obtained in ^{F149}the family court] in a State to which paragraph (2) applies must apply for a certified copy of the order and, where required by Practice Direction 34A, a certificate giving particulars relating to the judgment and proceedings in which it was given.

- (2) The States referred to in paragraph (1) are—
- (a) a Contracting State to the 1968 Convention;
 - (b) a Contracting State to the 1988 Convention (other than a Member State of the European Union);
 - (c) a Member State of the European Union;

- (d) a State bound by the Lugano Convention (other than a Member State of the European Union); or
 - (e) a State bound by the 2007 Hague Convention (other than a Member State of the European Union).]
- (3) An application under this rule must be made in writing to the court officer and must specify—
- (a) the names of the parties to the proceedings;
 - (b) the date, or approximate date, of the proceedings in which the maintenance order was made and the nature of those proceedings;
 - (c) the ^{F150}State] in which the application for recognition or enforcement has been made or is to be made; and
 - (d) the postal address of the applicant.
- (4) The court officer must, on receipt of the application, send a copy of the order to the applicant certified in accordance with ^{F151}... practice direction [^{F152}34A][^{F153}, [^{F154}together with a copy of any certificate required by that practice direction]] .
- (5) Paragraph (6) applies where—
- (a) a maintenance order is registered in ^{F155}the family court]; and
 - (b) a person wishes to obtain a certificate giving details of any payments made or arrears accrued under the order while it has been registered, for the purposes of an application made or to be made in connection with that order in—
 - (i) another Contracting State to the 1968 Convention;
 - (ii) another Contracting State to the 1988 Convention (other than a Member State of the European Union);
 - (iii) another ^{F156}Member State of the European Union];
 - (iv) another State bound by the Lugano Convention (other than a Member State of the European Union); ^{F157}...
 - (v) another part of the United Kingdom ^{F158}; or
 - (vi) another State bound by the 2007 Hague Convention (other than a Member State of the European Union).]
- (6) The person wishing to obtain the certificate referred to in paragraph (5) may make a written application to the court officer for the registering court.
- (7) On receipt of an application under paragraph (6) the court officer must send to the applicant a certificate giving the information requested.
- (Rule 74.12 (application for certified copy of a judgment) and 74.13 (evidence in support) of the CPR apply in relation to the application for a certified copy of a judgment obtained in the High Court or a county court.)

Textual Amendments

F147 Words in rule 34.39 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\)](#)

[Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 135\(a\)](#) (with [rule 137](#)); [S.I. 2014/954](#), [art. 2](#)

F148 [Rule 34.39\(1\)\(2\)](#) substituted (20.12.2012) by [The Family Procedure \(Amendment No. 4\)](#) [Rules 2012](#)

[\(S.I. 2012/2806\)](#), [rules 1, 32\(a\)](#)

F149 Words in [rule 34.39\(1\)](#) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\)](#) [Rules](#)

[2013 \(S.I. 2013/3204\)](#), [rules 1, 135\(a\)](#) (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 34. (See end of Document for details)

- F150** Word in rule 34.39(3)(c) substituted (6.4.2012) by [The Family Procedure \(Amendment\) Rules 2012 \(S.I. 2012/679\)](#), rules 1, **29** (with rule 30)
- F151** Word in rule 34.39(4) omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **32(b)(i)**
- F152** Word in rule 34.39(4) inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **32(b)(ii)**
- F153** Words in rule 34.39(4) inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **36(d)**
- F154** Words in rule 34.39(4) substituted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **32(b)(iii)**
- F155** Words in rule 34.39(5) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **135(b)** (with rule 137); S.I. 2014/954, **art. 2**
- F156** Words in rule 34.39(5)(b)(iii) substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **36(e)**
- F157** Word in rule 34.39(5)(b)(iv) omitted (20.12.2012) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **32(c)(i)**
- F158** Rule 34.39(5)(b)(vi) and word substituted for full stop (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **32(c)(ii)**

[^{F159}Enforcement of orders of the High Court or [^{F160}the family court]

34.40.—(1) This rule applies where a person wishes to enforce a maintenance order obtained in the High Court or [^{F161}the family court] in a Member State of the European Union or a State bound by the 2007 Hague Convention (other than a Member State of the European Union).

(2) Subject to the requirements of Practice Direction 34A, rules 74.12 (application for a certified copy of a judgment) and 74.13 (evidence in support) of the CPR apply in relation to—

- (a) an application under Article 40(2) of the Maintenance Regulation for a certified copy of a judgment and an extract relating to that judgment in the form of Annex II to that Regulation;
- (b) an application for a certified copy of a judgment and a certificate giving particulars relating to the judgment and the proceedings in which it was given.]

Textual Amendments

- F159** Rule 34.40 substituted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **33**
- F160** Words in rule 34.40 heading substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **136(a)** (with rule 137); S.I. 2014/954, **art. 2**
- F161** Words in rule 34.40(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **136(b)** (with rule 137); S.I. 2014/954, **art. 2**); and rule 34.40(1) in so far as it still has effect in relation to proceedings which were commenced but not disposed of before 22.4.2014 by virtue of rule 137 is amended (31.12.2020) by virtue of [The Family Procedure Rules 2010 and Court of Protection Rules 2017 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/517\)](#), regs. 1(1), **19(19)(a)(i)** (with reg. 27) (as amended by S.I. 2020/1574, regs. 1, **4(2)** and S.I. 2020/1493, regs. 1(1), **8(2)(f)**); 2020 c. 1, **Sch. 5 para. 1(1)**

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 34.