
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 34

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS

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 \(c.56\)](#).

Payment of sums due under registered orders

34.6. Where an order made by a reciprocating country is registered in [^{F1}the family court under section 1 of the 1920 Act], the court must order payments due to be made to the court ^{F2}... .

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

Textual Amendments

- F1** 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**
- F2** 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**

[^{F3}Collection and enforcement] of sums due under registered orders

34.7—[^{F4}(1) This rule applies to—

- (a) an order made in a reciprocating county 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 ^{F5}...; 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.

[^{F6}(Rule 32.33 makes provision in relation to a court officer taking such proceedings.)]

Textual Amendments

- F3** 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**
- F4** 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**
- F5** 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**

F6 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 [^{F7}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

F7 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.

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.

Changes to legislation:

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