
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 34

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS

CHAPTER 2

ENFORCEMENT OF MAINTENANCE ORDERS UNDER PART 1 OF THE 1972 ACT

SECTION 2

Modification of rules in Section 1 of this Chapter

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^{M1}; 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 [^{F1}, variation] or revocation of a maintenance order by [^{F2}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 [^{F3}the family court]) substitute—

[^{F4}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 [^{F5}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.

(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.

(^{F6}...”).

(6) For rule 34.18 (notification of variation or revocation of a maintenance order by the High Court or [^{F7}the family court]) substitute—

“Notification of variation or revocation of a maintenance order by the High Court or [^{F8}the family court]

34.18.—(1) This rule applies if the High Court or [^{F9}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 [^{F10}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 [^{F11}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 [^{F12}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

- F1** 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](#)
- F2** 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](#)
- F3** 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](#)
- F4** 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](#)
- F5** 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](#)
- F6** 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](#)
- F7** 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](#)
- F8** 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](#)
- F9** 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](#)
- F10** 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](#)
- F11** 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](#)
- F12** 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

- M1** [S.I. 1993/593](#).

Changes to legislation:

There are currently no known outstanding effects for the The Family Procedure Rules 2010, SUB-SECTION 2.