
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 34

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS

CHAPTER 3

ENFORCEMENT OF MAINTENANCE ORDERS UNDER THE CIVIL JURISDICTION AND
JUDGMENTS ACT 1982, THE JUDGMENTS REGULATION [F1, THE MAINTENANCE
REGULATION][F2, THE 2007 HAGUE CONVENTION] AND THE LUGANO CONVENTION

Textual Amendments

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

[F3 Application of this Chapter

34.28A.—(1) In this Chapter—

[F4(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 [F5;]

[“the 1968 Convention” has the meaning given in the 1982 Act.]
[F6(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));

Status: Point in time view as at 11/01/2015.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, CHAPTER 3. (See end of Document for details)

- (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.

(^{F7} ...)]

Textual Amendments

- F3** Rule 34.28A inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **24**
- F4** 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**
- F5** 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)
- F6** 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)
- F7** 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, a Regulation State [^{F8}, 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

- F8** 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 [^{F9}, subject to paragraph (b)]; and
- [^{F10}(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

- F9** 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)**
- F10** 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

^{F11}34.29A.

Textual Amendments

F11 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.—^{F12}(1)

(2) [^{F13}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;

[^{F14}(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; ^{F15} ...]

(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 ^{F16}... [^{F17}; 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.]

^{F18}(3)

^{F19}(4)

^{F20}(5)

(6) Except where [^{F21}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; ^{F22} ...
- (b) in the case of an application under Article 31 of the 1988 Convention, Articles 27 or 28 of that Convention apply ^{F23}... [^{F24}; 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 ^{F25}... refuses to register an order to which this rule relates the court officer must notify the applicant.

(8) If the court ^{F26}... 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.

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, CHAPTER 3. (See end of Document for details)

^{F27}(9)

Textual Amendments

- F12** 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](#)
- F13** 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](#)
- F14** 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))
- F15** 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\(a\)\(i\)](#)
- F16** 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\(a\)\(ii\)](#)
- F17** 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\(a\)\(ii\)](#)
- F18** 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\(c\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)
- F19** 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\(c\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)
- F20** 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\(c\)](#) (with rule 137); S.I. 2014/954, [art. 2](#)
- F21** 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](#)
- F22** 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\(b\)\(i\)](#)
- F23** 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\(b\)\(ii\)](#)
- F24** 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\(b\)\(ii\)](#)
- F25** 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](#)
- F26** 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](#)
- F27** 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;
- [^{F28}(c) Article 32 of the Maintenance Regulation; ^{F29}...]
- (d) Article 43 of the Lugano Convention. ^{F30}... [^{F31}, or
- (e) Article 23(5) of the 2007 Hague Convention.]

[^{F32}(2) The appeal must be to the family court.

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

Textual Amendments

- F28** 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))
- F29** 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)**
- F30** 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)**
- F31** 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)**
- F32** 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 [^{F33},] Article 38 of the Judgments Regulation [^{F34},] Article 38 of the Lugano Convention [^{F35} or Article 23 of the 2007 Hague Convention], [^{F36} or declared enforceable under Article 26 of the Maintenance Regulation by virtue of registration,] the court [^{F37} may] order that payment of sums due under the order be made [^{F38} to the court, at such time and place as directed.]

(2) Where the court orders payments to be made to the court ^{F39}..., 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

- F33** Rule 34.32(1): comma substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **29(a)**
- F34** 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)**
- F35** 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)**
- F36** 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)**
- F37** 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**
- F38** 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**
- F39** 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 [^{F40} the family court].

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, CHAPTER 3. (See end of Document for details)

(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

F40 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 [^{F41}or by the 2007 Hague Convention], other than a Member State of the European Union.

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

(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.

[^{F42}(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

F41 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**

F42 Rule 34.34(3) inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **30**

[^{F43}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

F43 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.—^{F44}(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

F44 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](#)

^{F45}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, ^{F46} ...
 - (iv) Article 25 or 35 of the Maintenance Regulation ^{F47} ... [^{F48}, 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, ^{F49} ...
 - (iv) Article 29 of the Maintenance Regulation ^{F50} ... [^{F51}, 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, ^{F52} ...

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, CHAPTER 3. (See end of Document for details)

- (iv) Article 28 of the Maintenance Regulation ^{F53} ... [^{F54}, 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

- F45** Rule 34.36A inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), [rules 1, 32](#) (with [art. 38\(1\)\(b\)](#))
- F46** 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\(a\)\(i\)](#)
- F47** [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\(a\)\(ii\)](#)
- F48** [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\(a\)\(ii\)](#)
- F49** 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\(b\)\(i\)](#)
- F50** [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\(b\)\(ii\)](#)
- F51** [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\(b\)\(ii\)](#)
- F52** 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\(c\)\(i\)](#)
- F53** [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\(c\)\(ii\)](#)
- F54** [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\(c\)\(ii\)](#)

[^{F55} **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

- F55** Rule 34.36B inserted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), [rules 1, 30](#)

[^{F56} **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

F56 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 [^{F57}a Member State of the European Union] of Orders of a court in England and Wales

Textual Amendments

F57 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

^{F58}**34.37.**

Textual Amendments

F58 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, [^{F59}Member State of the European Union] or State bound by the Lugano Convention, [^{F60}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 [^{F61}to] the court;
 - (b) have been received in evidence [^{F62}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 [^{F63}, the Judgments Regulation [^{F64},] the Maintenance Regulation][^{F65}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 [^{F66}the family court] relating to a maintenance order to which the 1982 Act [^{F67}, the Judgments Regulation [^{F68},] the

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Maintenance Regulation][^{F69}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.

[^{F70}(7) Any request by [^{F71}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—
- (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

- F59** Words in rule 34.38(1) substituted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), [rules 1, 35\(a\)](#)
- F60** 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\(a\)](#)
- F61** 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\(b\)\(i\)](#)
- F62** 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\(b\)\(ii\)](#)
- F63** 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\(b\)\(iii\)](#)
- F64** 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\(b\)\(i\)](#)
- F65** 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\(b\)\(ii\)](#)

- F66** 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](#)
- F67** Words in rule 34.38(3) inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\), rules 1, 35\(c\)](#)
- F68** 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\(c\)\(i\)](#)
- F69** 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\(c\)\(ii\)](#)
- F70** 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\(d\)](#)
- F71** 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 ^{F72}the family court]

34.39.—^{F73}(1) A person who wishes to enforce a maintenance order obtained in ^{F74}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 ^{F75}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 ^{F76}... practice direction ^{F77}34A][^{F78}, ^{F79}together with a copy of any certificate required by that practice direction]] .

- (5) Paragraph (6) applies where—
- (a) a maintenance order is registered in ^{F80}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);

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- (iii) another [^{F81}Member State of the European Union];
- (iv) another State bound by the Lugano Convention (other than a Member State of the European Union); ^{F82} ...
- (v) another part of the United Kingdom [^{F83}; 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

- F72** 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](#)
- F73** [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\(a\)](#)
- F74** 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](#)
- F75** 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](#))
- F76** 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\(b\)\(i\)](#)
- F77** 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\(b\)\(ii\)](#)
- F78** Words in rule 34.39(4) inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), [rules 1, 36\(d\)](#)
- F79** 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\(b\)\(iii\)](#)
- F80** 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](#)
- F81** 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\(e\)](#)
- F82** 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\(c\)\(i\)](#)
- F83** [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\(c\)\(ii\)](#)

[^{F84}E Enforcement of orders of the High Court or [^{F85}the family court]

34.40.—(1) This rule applies where a person wishes to enforce a maintenance order obtained in the High Court or [^{F86}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

- F84** Rule 34.40 substituted (20.12.2012) by [The Family Procedure \(Amendment No. 4\) Rules 2012 \(S.I. 2012/2806\)](#), rules 1, **33**
- F85** 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**
- F86** 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, CHAPTER 3.