

STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 34

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS

CHAPTER 3

ENFORCEMENT OF MAINTENANCE ORDERS
UNDER [F1]THE 2007 HAGUE CONVENTION]

Textual Amendments

- F1** Words in Pt. 34 Ch. 3 heading substituted (31.12.2020) by [The Family Procedure Rules 2010 and Court of Protection Rules 2017 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/517\)](#), regs. 1(1), **19(5)** (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)

[F2] **Application of this Chapter**

34.28A.—(1) In this Chapter—

[F3](a) references to a maintenance order include—

F4(i)

(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;]

F6(c)

F7(2)

(F8 ...)

Textual Amendments

F2 Rule 34.28A inserted (18.6.2011) by [The Family Procedure \(Amendment\) Rules 2011 \(S.I. 2011/1328\)](#), rules 1, **24**

F3 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**

- F4** Rule 34.28A(1)(a)(i) omitted (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(6)(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)
- 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) omitted (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(6)(ii)** (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)
- F7** Rule 34.28A(2) omitted (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(6)(b)** (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)
- F8** 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 [F9] a State bound by the 2007 Hague Convention]*

Textual Amendments

F9 Words in Pt. 34 Ch. 3 Section 1 heading substituted (31.12.2020) by The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517), regs. 1(1), **19(7)** (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)**

Interpretation

^{F10}**34.29.**

Textual Amendments

F10 Rule 34.29 omitted (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(8)** (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)

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—
- ^{F14}(a)
- ^{F14}(b)
- ^{F14}(c)
- ^{F14}(d)
- (e) [^{F15}an application under Article 23 of the 2007 Hague Convention for registration of a maintenance order made in a State bound by that Convention ^{F16}....]
- ^{F17}(3)
- ^{F18}(4)
- ^{F19}(5)
- (6) Except where [^{F20}Practice Direction 34E provides otherwise, the court] must register the order unless—
- ^{F21}(a)
- ^{F21}(b)
- (c) [^{F22}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 ^{F23}... refuses to register an order to which this rule relates the court officer must notify the applicant.
- (8) If the court ^{F24}... 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.
- ^{F25}(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** Rules 34.30(2)(a)-(d) omitted (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(9)(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)
- F15** 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)**
- F16** Words in rule 34.30(2)(e) omitted (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(9)(a)(ii)** (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)

- F17** 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
- F18** 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
- F19** 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
- F20** 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
- F21** Rule 34.30(6)(a)(b) omitted (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(9)(b)** (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)
- F22** 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)**
- F23** 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
- F24** 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
- F25** 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—

- ^{F26}(a)
- ^{F26}(b)
- ^{F26}(c)
- ^{F26}(d)

[^{F27}(e) Article 23(5) of the 2007 Hague Convention.]

[^{F28}(2) The appeal must be to the family court.

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

- Textual Amendments**
- F26** Rules 34.31(1)(a)-(d) omitted (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(10)** (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)
 - F27** 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)**
 - F28** 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 [^{F29}Article 23 of the 2007 Hague Convention] the court [^{F30}may] order that payment of sums due under the order be made [^{F31}to the court, at such time and place as directed.]

(2) Where the court orders payments to be made to the court ^{F32}..., 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

- F29** Words in rule 34.32(1) substituted (31.12.2020) by [The Family Procedure Rules 2010 and Court of Protection Rules 2017 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/517\)](#), regs. 1(1), **19(11)** (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)
- F30** 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**
- F31** 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**
- F32** 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 [^{F33}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

- F33** 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 [^{F34}a State bound by the 2007 Hague Convention].

(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.

^{F35}(3)

Textual Amendments

- F34** Words in rule 34.34(1) substituted (31.12.2020) by The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517), regs. 1(1), **19(12)** (a) (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)
- F35** Rule 34.34(3) omitted (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(12)** (b) (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)

[^{F36}Registered order: payer residing in an area covered by a different Maintenance Enforcement Business Centre

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

(For the way in which information will be provided to enable Maintenance Enforcement Business Centres to be identified, see Practice Direction 34E.)]

Textual Amendments

- F36** Rule 34.35 substituted (31.7.2015) by The Family Procedure (Amendment No. 2) Rules 2015 (S.I. 2015/1420), rules 1(3), **24**

Cancellation of registered orders

34.36.—[^{F37}(1) Where the court officer for the registering court—

- (a) has no reason to send papers to another Maintenance Enforcement Business Centre under Practice Direction 34E; and
- (b) considers that the payer under the registered order is not residing within the area covered by the Maintenance Enforcement Business Centre for the Designated Family Judge area where the order is registered and has no assets in England and Wales,
the court officer must cancel the registration.]

(2) The court officer must—

- (a) give notice of cancellation to the payee; and

[^{F38}(b) send to the Lord Chancellor—

- (i) the information and documents relating to the registration;
- (ii) a certificate of arrears, if applicable, signed by the court officer;
- (iii) a statement giving such information as the court officer possesses as to the whereabouts of the payer and the nature and location of the payer's assets; and
- (iv) any other relevant documents which the court officer has relating to the case.

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

Textual Amendments

- F37** Rule 34.36(1) substituted (31.7.2015) by [The Family Procedure \(Amendment No. 2\) Rules 2015](#) (S.I. 2015/1420), rules 1(3), **25**
- F38** Rule 34.36(2)(b) substituted (1.7.2015) by [The Family Procedure \(Amendment\) Rules 2015](#) (S.I. 2015/913), rules 1, **13** (with rule 14)

[^{F39}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—
 - ^{F40}(i)
 - ^{F40}(ii)
 - ^{F40}(iii)
 - ^{F40}(iv)
 - [Article 30(6) of the 2007 Hague Convention;]
 - ^{F41}(v)

- (b) the provision of documents in accordance with—
 - ^{F42}(i)
 - ^{F42}(ii)
 - ^{F42}(iii)
 - ^{F42}(iv)
 - [Article 25 or 30 of the 2007 Hague Convention;]
 - ^{F43}(v)

- (c) the provision of translations in accordance with—
 - ^{F44}(i)
 - ^{F44}(ii)
 - ^{F44}(iii)
 - ^{F44}(iv)
 - [in relation to an application under this Section relating to the 2007 Hague
^{F45}(v) Convention, without prejudice to Article 44 of that Convention.]]

Textual Amendments

- F39** 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))
- F40** Rules 34.36A(a)(i)-(iv) omitted (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(13)** (a) (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)
- F41** 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)**

- F42** Rules 34.36A(b)(i)-(iv) omitted (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(13)(b)** (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)
- F43** 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)**
- F44** Rules 34.36A(c)(i)-(iv) omitted (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(13)(c)** (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)
- F45** 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)**

[^{F46}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 ^{F47}...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 ^{F48}... Article 10 of the 2007 Hague Convention has been filed.

[The Lord Chancellor is the Central Authority for the 2007 Hague Convention ^{F49}...]

- Textual Amendments**
- F46** Rule 34.36B inserted (20.12.2012) by The Family Procedure (Amendment No. 4) Rules 2012 (S.I. 2012/2806), rules 1, **30**
 - F47** Words in rule 34.36B(1) omitted (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(14)(a)** (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)
 - F48** Words in rule 34.36B(2) omitted (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(14)(b)** (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)
 - F49** Words in rule 34.36B omitted (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(14)(c)** (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)

The Maintenance Regulation: applications for enforcement or for refusal or suspension of enforcement

^{F50}**34.36C.**

- Textual Amendments**
- F50** Rule 34.36C omitted (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(15)**

(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)

SECTION 2

Reciprocal enforcement in a Contracting State^{F51} ... of Orders of a court in England and Wales

Textual Amendments

F51 Words in Pt. 34 Ch. 3 Section 2 heading omitted (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(16)** (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)**

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

^{F52}**34.37.**

Textual Amendments

F52 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 [^{F53}or another Contracting State to] [^{F54}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 [^{F55}to] the court;
- (b) have been received in evidence [^{F56}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 ^{F57}... [^{F58}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 [^{F59}the family court] relating to a maintenance order to which ^{F60}... [^{F61}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.

[^{F62}(7) Any request by the family court for the taking or providing of evidence by a court in a State bound by the 2007 Hague Convention for the purposes of proceedings to which that Convention applies, or by a court in another part of the United Kingdom, shall be communicated in writing to the court in question.]

^{F63}(8)

(^{F63} ...)

Textual Amendments

- F53** Words in rule 34.38(1) substituted (31.12.2020) by The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517), regs. 1(1), **19(17)(a)** (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)
- F54** 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)**
- F55** 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)**
- F56** 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)**
- F57** Words in rule 34.38(2)(c) omitted (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(17)(b)** (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)
- F58** 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)**
- F59** 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**
- F60** Words in rule 34.38(3) omitted (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(17)(c)** (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)
- F61** 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)**
- F62** Rule 34.38(7) substituted (31.12.2020) by The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517), regs. 1(1), **19(17)(d)** (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)
- F63** Rule 34.38(8) and words omitted (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(17)(e) (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)

Enforcement of orders of [^{F64}the family court]

34.39.—^{F65}(1) A person who wishes to enforce a maintenance order obtained in the family court in a State bound by the 2007 Hague Convention 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.]

^{F66}(2)

- (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 [^{F67}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 ^{F68}... practice direction [^{F69}34A][^{F70}, [^{F71}together with a copy of any certificate required by that practice direction]] .

- (5) Paragraph (6) applies where—
 - (a) a maintenance order is registered in [^{F72}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—
 - ^{F73}(i)
 - ^{F73}(ii)
 - ^{F73}(iii)
 - ^{F73}(iv)
 - (v) another part of the United Kingdom [^{F74}; or
 - (vi) another State bound by the 2007 Hague Convention^{F75}....]

(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

F64 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**

- F65** Rule 34.39(1) substituted (31.12.2020) by The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517), regs. 1(1), **19(18)(a)** (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)
- F66** Rule 34.39(2) omitted (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(18)(b)** (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)
- F67** 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)
- F68** 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)**
- F69** 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)**
- F70** 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)**
- F71** 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)**
- F72** 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**
- F73** Rules 34.39(5)(b)(i)-(iv) omitted (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(18)(c)(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)
- F74** 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)**
- F75** Words in rule 34.39(5)(b)(vi) omitted (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(18)(c)(ii)** (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)

[^{F76}Enforcement of orders of the High Court or ^{F77}the family court]

34.40.—(1) This rule applies where a person wishes to enforce a maintenance order obtained in the High Court or [^{F78}the family court] in ^{F79}... a State bound by the 2007 Hague Convention^{F80}....

(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—

- ^{F81}(a)
- (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

- F76** Rule 34.40 substituted (20.12.2012) by The Family Procedure (Amendment No. 4) Rules 2012 (S.I. 2012/2806), rules 1, **33**
- F77** 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**
- F78** 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)**

F79 Words in rule 34.40(1) omitted (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)(ii)** (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)

F80 Words in rule 34.40(1) omitted (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)(iii)** (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)

F81 Rule 34.40(2)(a) omitted (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)(b)** (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)

Changes to legislation:

There are currently no known outstanding effects for the The Family Procedure Rules 2010, CHAPTER 3.