
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 8

PROCEDURE FOR MISCELLANEOUS APPLICATIONS

CHAPTER 7

APPLICATION FOR THE TRANSFER OF A TENANCY UNDER
SECTION 53 OF, AND SCHEDULE 7 TO, THE 1996 ACT

Scope of this Chapter

8.29. This Chapter applies to an application for the transfer of a tenancy under section 53 of, and Schedule 7 to, the 1996 Act.

Where to start proceedings

8.30.—(1) Subject to paragraph (2), the application may be made in the High Court or a county court.

(2) The application must be made to the court in which any divorce, judicial separation, nullity or civil partnership proceedings are pending between the parties.

Service of the application

- 8.31.**—(1) The court will serve a copy of the application on—
- (a) the respondent; and
 - (b) the landlord (as defined by paragraph 1 of Schedule 7 to the 1996 Act ^{M1}),
- unless the court directs that the applicant must do so.
- (2) Where service is effected by the applicant, the applicant must file a certificate of service.

Marginal Citations

M1 [Paragraph 1](#) of Schedule 7 to the Family Law Act 1996 was amended by section 82 of and paragraphs 16(1) and (2) of Schedule 9 to the Civil Partnership Act 2004 and article 2 of and paragraph 10(b)(i) of the Schedule to the [Housing Act 1996 \(Consequential Amendments\) Order 1997 \(S.I. 1997/74\)](#).

Who the parties are

8.32. The court will direct that a landlord be made a party to the proceedings where the landlord requests to be one.

Status: Point in time view as at 06/04/2011.

*Changes to legislation: There are currently no known outstanding effects for the
The Family Procedure Rules 2010, CHAPTER 7. (See end of Document for details)*

Orders for disclosure

8.33. Any party may apply to the court under rule 21.2 for an order that any person must attend an appointment before the court and produce any documents that are specified or described in the order.

Injunctions

8.34.—(1) The court may grant an injunction^(GL) only if the injunction^(GL) is ancillary or incidental to the assistance sought by the applicant.

(2) Applications for injunctive relief must be made in accordance with the procedure in rule 20.4 (how to apply for an interim remedy) and the provisions of rule 20.5 (interim injunction^(GL) to cease if application is stayed^(GL)) apply accordingly.

Status:

Point in time view as at 06/04/2011.

Changes to legislation:

There are currently no known outstanding effects for the The Family Procedure Rules 2010, CHAPTER 7.