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STATUTORY INSTRUMENTS

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**2010 No. 2955**

**The Family Procedure Rules 2010**

**PART 31**

**REGISTRATION OF ORDERS UNDER THE COUNCIL REGULATION,  
THE CIVIL PARTNERSHIP (JURISDICTION AND RECOGNITION OF  
JUDGMENTS) REGULATIONS 2005 [F<sup>1</sup>, THE MARRIAGE (SAME SEX  
COUPLES) (JURISDICTION AND RECOGNITION OF JUDGMENTS)  
REGULATIONS 2014] AND UNDER THE HAGUE CONVENTION 1996**

**Registration for enforcement or order for non-recognition of a judgment**

**31.8.**—(1) This rule applies where an application is made for an order that a judgment given in another Member State, or a Contracting State, should be registered, or should not be recognised, except where rule 31.7 applies.

- (2) where the application is made for an order that the judgment should be registered —
- (a) upon receipt of the application, and subject to any direction given by the court under rule 31.6, the court officer will serve the application on the person against whom registration is sought;
  - (b) the court will not accept submissions from either the person against whom registration is sought or any child in relation to whom the judgment was given.
- (3) Where the application is for an order that the judgment should not be recognised —
- (a) upon receipt of the application, and subject to any direction given by the court under rule 31.6, the court officer will serve the application on the person in whose favour judgment was given;
  - (b) the person in whose favour the judgment was given must file an answer to the application and serve it on the applicant —
    - (i) within 1 month of service of the application; or
    - (ii) if the applicant is habitually resident in another Member State, within two months of service of the application.

(4) In cases to which the 1996 Hague Convention applies and the Council Regulation does not apply, the court may extend the time set out in subparagraph (3)(b)(ii) on account of distance.

(5) The person in whose favour the judgment was given may request recognition or registration of the judgment in their answer, and in that event must comply with 31.4(2)(b), to the extent that such documents, information and evidence are not already contained in the application for non-recognition.

(6) If, in a case to which the Council Regulation applies, the person in whose favour the judgment was given fails to file an answer as required by paragraph (3), the court will act in accordance with the provisions of Article 18 of the Council Regulation.

*Status: Point in time view as at 13/03/2014. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the  
The Family Procedure Rules 2010, Section 31. (See end of Document for details)*

(7) If, in a case to which the 1996 Hague Convention applies and the Service Regulation does not, the person in whose favour the judgment was given fails to file an answer as required by paragraph (3) —

- (a) where the Hague Convention of 15th November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters applies, the court shall apply Article 15 of that Convention; and
- (b) in all other cases, the court will not consider the application unless —
  - (i) it is proved to the satisfaction of the court that the person in whose favour judgment was given was served with the application within a reasonable period of time to arrange his or her response; or
  - (ii) the court is satisfied that the circumstances of the case justify proceeding with consideration of the application.

(8) In a case to which the Jurisdiction and Recognition of Judgments Regulations [<sup>F1</sup>or the 2014 Regulations] apply, if the person in whose favour judgment was given fails to file an answer as required by paragraph (3), the court will apply the Service Regulation where that regulation applies, and if it does not —

- (a) where the Hague Convention of 15th November 1965 on the service abroad of judicial and extrajudicial documents in civil or commercial matters applies, the court shall apply Article 15 of that Convention; and
- (b) in all other cases, the court will apply the provisions of paragraph (7)(b).

#### **Textual Amendments**

**F1** Words in [rule 31.8\(8\)](#) inserted (13.3.2014) by [The Family Procedure \(Amendment\) Rules 2014 \(S.I. 2014/524\)](#), [rules 1, 9](#)

**Status:**

Point in time view as at 13/03/2014. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Family Procedure Rules 2010, Section 31.