
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 33

ENFORCEMENT

CHAPTER 2

COMMITTAL BY WAY OF JUDGMENT SUMMONS

Hearing of judgment summons

33.16.—(1) On the hearing of the judgment summons the court may—

- (a) where the order is for lump sum provision or costs; or
- (b) where the order is an order for maintenance pending suit, an order for maintenance pending outcome of proceedings or an order for other periodical payments and it appears to the court that the order would have been varied or suspended if the debtor had made an application for that purpose,

make a new order for payment of the amount due under the original order, together with the costs of the judgment summons, either at a specified time or by instalments.

(2) If the court makes an order of committal, it may direct its execution to be suspended on terms that the debtor pays to the judgment creditor—

- (a) the amount due;
- (b) the costs of the judgment summons; and
- (c) any sums accruing due under the original order,

either at a specified time or by instalments.

(3) All payments under a new order or an order of committal must be made to the judgment creditor unless the court directs otherwise.

(4) Where an order of committal is suspended on such terms as are mentioned in paragraph (2)—

- (a) all payments made under the suspended order will be deemed to be made—
 - (i) first, in or towards the discharge of any sums from time to time accruing due under the original order; and
 - (ii) secondly, in or towards the discharge of a debt in respect of which the judgment summons was issued and the costs of the summons; and
- (b) the suspended order must not be executed until the judgment creditor has filed a statement of default on the part of the debtor.

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Point in time view as at 06/04/2011.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, Section 33.