
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 4

GENERAL CASE MANAGEMENT POWERS

Power to strike out a statement of case

4.4.—(1) Except in proceedings to which Parts 12 to 14 apply, the court may strike out^(GL) a statement of case if it appears to the court—

- (a) that the statement of case discloses no reasonable grounds for bringing or defending the application;
- (b) that the statement of case is an abuse of the court's process or is otherwise likely to obstruct the just disposal of the proceedings;
- (c) that there has been a failure to comply with a rule, practice direction or court order; or
- (d) in relation to applications for matrimonial and civil partnership orders and answers to such applications, that the parties to the proceedings consent.

(2) When the court strikes out a statement of case it may make any consequential order it considers appropriate.

(3) Where—

- (a) the court has struck out an applicant's statement of case;
- (b) the applicant has been ordered to pay costs to the respondent; and
- (c) before paying those costs, the applicant starts another application against the same respondent, arising out of facts which are the same or substantially the same as those relating to the application in which the statement of case was struck out,

the court may, on the application of the respondent, stay^(GL) that other application until the costs of the first application have been paid.

(4) Paragraph (1) does not limit any other power of the court to strike out^(GL) a statement of case.

(5) If the High Court or a county court strikes out an applicant's statement of case and it considers that the application is totally without merit—

- (a) the court's order must record that fact; and
- (b) the court must at the same time consider whether it is appropriate to make a civil restraint order.

Status:

Point in time view as at 06/04/2011. This version of this provision has been superseded.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 4.