
STATUTORY INSTRUMENTS

2013 No. 3204

The Family Procedure (Amendment No.3) Rules 2013

Amendments to the Family Procedure Rules 2010

104. After rule 32.32, insert—

“Chapter 5

*Ability of a court officer to take enforcement proceedings
in relation to certain orders for periodical payments*

Court officers and enforcement proceedings

32.33.—(1) In this rule—

“the 1972 Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972;

“relevant order” means—

- (a) any order made by the family court for periodical payments, other than an order made by virtue of Part 2 of the 1972 Act;
- (b) any order for periodical payments made by the High Court (including an order deemed to be made by the High Court by virtue of section 1(2) of the 1958 Act) and registered under Part 1 of the 1958 Act in the family court; and
- (c) an order made by a court in Scotland or in Northern Ireland which is registered in the family court under Part 2 of the 1950 Act; and

“the payee” means the person for whose benefit payments under a relevant order are required to be made.

(2) Where—

- (a) payments under a relevant order are required to be made periodically to the family court; and
- (b) any sums payable under the order are in arrears,

a court officer will, if the payee so requests in writing, and unless it appears to the court officer that it is unreasonable in the circumstances to do so, proceed in the officer’s own name for the recovery of those sums.

(3) Where payments under a relevant order are required to be made periodically to the court, the payee may, at any time during the period in which the payments are required to be so made, give authority in writing to a court officer for the officer to proceed as mentioned in paragraph (4).

(4) Where authority is given under paragraph (3) to a court officer, that officer will, unless it appears unreasonable in the circumstances to do so, proceed in the officer’s own name for the recovery of any sums payable to the court under the order in question which, on or after the date of the giving of the authority, fall into arrears.

(5) In any case where—

- (a) authority under paragraph (3) has been given to a court officer; and
 - (b) the payee gives notice in writing to that court officer cancelling the authority, the authority will cease to have effect and so the court officer will not continue any proceedings already commenced by virtue of the authority.
- (6) The payee shall have the same liability for all of the costs properly incurred in, or in relation to, proceedings taken under paragraph (2) at the payee's request, or under paragraph (3) by virtue of the payee's authority, including any court fees and any costs incurred as a result of any proceedings commenced not being continued, as if the proceedings had been commenced by the payee.
- (7) Nothing in paragraph (2) or (4) shall affect any right of a payee to proceed in his or her own name for the recovery of sums payable under an order of any court.”.