
STATUTORY INSTRUMENTS

2014 No. 667

The Family Procedure (Amendment No. 2) Rules 2014

Citation, interpretation and commencement

1. These Rules may be cited as the Family Procedure (Amendment No. 2) Rules 2014 and come into force on 22nd April 2014.

Amendments to the Family Procedure Rules 2010

2. The Family Procedure Rules 2010(1) are amended in accordance with rules 3 to 44.
3. In rule 2.3—
 - (a) in paragraph (1)—
 - (i) in the definitions of “CCR” and “RSC”, delete “subject to paragraph (4)”;
 - (ii) after the defined term “justices’ clerk” insert—

““lay justice” means a justice of the peace who is not a District Judge (Magistrates’ Courts);”;

and
 - (iii) for the defined term “judge” substitute—

““judge” means—

 - (a) in the High Court, a judge or a district judge of that court (including a district judge of the principal registry) or a person authorised to act as such; and
 - (b) in the family court, a person who is—
 - (i) the Lord Chief Justice;
 - (ii) the Master of the Rolls;
 - (iii) the President of the Queen's Bench Division;
 - (iv) the President of the Family Division;
 - (v) the Chancellor of the High Court;
 - (vi) an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court);
 - (vii) the Senior President of Tribunals;
 - (viii) a puisne judge of the High Court;
 - (ix) a deputy judge of the High Court;
 - (x) a person who has been a judge of the Court of Appeal or a puisne judge of the High Court who may act as a judge of the family court by virtue of section 9 of the Senior Courts Act 1981(2);

(1) [S.I. 2010/2955](#); relevant amending instruments are [S.I. 2011/1328](#), [2012/ 679](#), [2007, 2046, 2806](#) and [3006](#) and [2013/530](#).
(2) [1981 c. 54](#). For renaming of the Supreme Court Act 1981, see the Constitutional Reform Act 2005 (c. 4), sections 40, 59, Schedule 9, paragraph 36, Schedule 11 paragraph 1(1). Section 9 has been amended by the Crime and Courts Act 2013 (c. 22), sections 20, 21(4), Schedule 13, paragraph 52, paragraph 89, Schedule 14 paragraphs 1, 2; the Criminal Justice and Public

- (xi) the Chief Taxing Master;
 - (xii) a taxing master of the Senior Courts;
 - (xiii) a person appointed to act as a deputy for the person holding office referred to in sub-paragraph (xii) or to act as a temporary additional officer for any such office;
 - (xiv) a circuit judge;
 - (xv) a Recorder;
 - (xvi) the Senior District Judge of the Family Division;
 - (xvii) a district judge of the principal registry;
 - (xviii) a person appointed to act as a deputy for the person holding office referred to in sub-paragraph (xvii) or to act as a temporary additional office holder for any such office;
 - (xix) a district judge;
 - (xx) a deputy district judge appointed under section 102 of the Senior Courts Act 1981(3) or section 8 of the County Courts Act 1984(4);
 - (xxi) a District Judge (Magistrates' Courts);
 - (xxii) a lay justice;
 - (xxiii) any other judge referred to in section 31C(1) of the 1984 Act who is authorised by the President of the Family Division to conduct particular business in the family court;”;
- (b) in paragraph (3), for “Subject to paragraph (4), where” substitute “Where”; and
- (c) omit paragraph (4).
4. For rule 2.5(1)(b) substitute—
- “(b) in relation to proceedings in the family court—
 - (i) by the court composed in accordance with rules made under section 31D of the 1984 Act(5); or
 - (ii) where Practice Direction 2A applies, by a single lay justice who is authorised as specified in rules made under section 31D of the 1984 Act.”.
5. In rule 2.6—
- (a) in paragraph (1)—
 - (i) for the words before sub-paragraph (a) substitute “A single lay justice who is authorised as specified in rules made under section 31D of the 1984 Act may perform the functions of the family court—“; and
 - (ii) omit sub-paragraph (d);

Order Act 1994 (c. 33), section 52; the Administration of Justice Act 1982 (c. 53), section 58; the Judicial Pensions and Retirement Act 1993 (c. 8), sections 26, 31, Schedule 6, paragraph 5, Schedule 9; the Constitutional Reform Act 2005 (c. 4), section 15(1), Schedule 4, paragraph 114, 121; the Courts Act 2003 (c. 39), section 109(1), Schedule 8, paragraph 260.

(3) Section 102 has been amended by the Courts and Legal Services Act 1990 (c. 41), section 125(3), Schedule 18, paragraph 40; the Tribunals, Courts and Enforcement Act 2007 (c. 15), sections 56, 125(7), Schedule 11, paragraphs 1, 3, Schedule 20; the Crime and Courts Act 2013 (c. 22), section 20, Schedule 13, paragraph 36; the Judicial Pensions and Retirement Act 1993 (c. 8), section 31, Schedule 8, paragraph 15(3).

(4) 1984 c. 28. Section 8 has been amended by the Courts and Legal Services Act 1990 (c. 41), section 125(3), Schedule 18, paragraph 42; the Tribunals, Courts and Enforcement Act 2007 (c. 15), sections 56, Schedule 11, paragraphs 5, 7; the Crime and Courts Act 2013 (c. 22), section 17(5), 20, Schedule 9, paragraphs 1, 6, Schedule 13, paragraph 37; the Judicial Pensions and Retirement Act 1993 (c. 8), section 26, Schedule 6, paragraph 17.

(5) Section 31D was inserted by the Crime and Courts Act 2013 (c. 22), section 17, Schedule 10, paragraphs 1.

- (b) in paragraph (2), for “justice of the peace” substitute “lay justice”; and
- (c) in paragraph (3), for “(1)(a), (c) and (d)” substitute “(1)(a) and (c)”.

6. For rule 2.7 substitute—

“Single lay justice: power to refer to the family court

2.7. Where a single lay justice—

- (a) is performing a function of the family court in accordance with rule 2.5(1)(b)(ii) or rule 2.6(1) or (2); and
- (b) considers, for whatever reason, that it is inappropriate to perform the function, the single lay justice must refer the matter to the family court.”.

7. Omit rule 9.2.

8. In rule 9.14, after paragraph (2) insert—

“(2ZA) Paragraph (2A) applies where the court has determined that the procedure in this Chapter should apply to an application under Article 56 of the Maintenance Regulation or Article 10 of the 2007 Hague Convention.”.

9. In rule 9.18(A1)(a)—

- (a) in paragraph (iii), omit “or”; and
- (b) after paragraph (iii) insert—
 - “(iv) Article 56 of the Maintenance Regulation; or
 - (v) Article 10 of the 2007 Hague Convention; or”.

10. After rule 9.21, insert—

“Duty to make entries in the court’s register

9.21A. Where a court officer receives notice of any direction made in the High Court or family court under section 28 of the 1978 Act by virtue of which an order made under that Act or the 2004 Act ceases to have effect, particulars of the direction must be noted in the court’s records.”.

11. After rule 9.21A, insert—

“Chapter 5A

Certain applications”.

12. Omit rule 9.23.

13. In Chapter 6 of Part 9, after rule 9.26B, insert—

“Method of making periodical payments

9.26C.—(1) This rule applies where under section 1(4) or (4A) of the Maintenance Enforcement Act 1991(6) the court orders that payments under a qualifying periodical maintenance order are to be made by a particular means.

(2) The court officer will record on a copy of the order the means of payment that the court has ordered.

(6) 1991 c. 17. Section 1(4A) was inserted by paragraph 77(5) of Schedule 10 to the Crime and Courts Act 2013 (c. 22).

(3) The court officer will notify in writing the person liable to make payments under the order how the payments are to be made.

(4) Where under section 1(4A) of the Maintenance Enforcement Act 1991 the court orders payment to the court by a method of payment under section 1(5) of that Act, the court officer will notify the person liable to make payments under the order of sufficient details of the account into which payments should be made to enable payments to be made into that account.

(5) Where payments are made to the court, the court officer will give or send a receipt to any person who makes such a payment and who asks for a receipt.

(6) Where payments are made to the court, the court officer will make arrangements to make the payments to—

- (a) the person entitled to them; or
- (b) if the person entitled to them is a child, to the child or to the person with whom the child has his or her home.

(7) The Part 18 procedure applies to an application under section 1(7) of the Maintenance Enforcement Act 1991 (application from an interested party to revoke, suspend, revive or vary the method of payment).

(8) Where the court makes an order under section 1(7) of the Maintenance Enforcement Act 1991 or dismisses an application for such an order, the court officer will, as far as practicable, notify in writing all interested parties of the effect of the order and will take the steps set out in paragraphs (2), (3) and (4), as appropriate..

(9) In this rule, “interested party” and “qualifying periodical maintenance order” have the meanings given in section 1(10) of the Maintenance Enforcement Act 1991.

Court officer to notify subsequent marriage or formation of civil partnership of a person entitled to payments under a maintenance order

9.26D.—(1) This rule applies where—

- (a) there is an order of a type referred to in paragraph (4) which requires payments to be made to the court or to an officer of the court; and
- (b) the court is notified in writing by—
 - (i) the person entitled to receive payments under the order;
 - (ii) the person required to make payments under the order; or
 - (iii) the personal representative of such a person,

that the person entitled to receive payments under the order has subsequently married or formed a civil partnership.

(2) The court officer will, where practicable, notify in writing the courts referred to in paragraph (3) of the notification of the subsequent marriage or formation of a civil partnership.

(3) The courts to be notified are—

- (a) any other court which has made an order of a type referred to in paragraph (4);
- (b) in the case of a provisional order made under section 3 of the 1920 Act or section 3 of the 1972 Act, the court which confirmed the order;
- (c) if an order of a type referred to in paragraph (4) has been transmitted abroad for registration under section 2 of the 1920 Act or section 2 of the 1972 Act, the court in which the order is registered; and

- (d) any other court in which an application to enforce the order has been made.
- (4) The orders are—
 - (a) those to which the following provisions apply—
 - (i) section 38 of the 1973 Act;
 - (ii) section 4(2) of the 1978 Act;
 - (iii) paragraph 65 of Schedule 5 to the 2004 Act; and
 - (iv) paragraph 26(2) of Schedule 6 to the 2004 Act; and
 - (b) an attachment of earnings order made to secure payments under an order referred to in sub-paragraph (a).
- (5) In this rule—
 - “the 1920 Act” means the Maintenance Orders (Facilities for Enforcement) Act 1920(7); and
 - “the 1972 Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972(8).

Enforcement and apportionment where periodical payments are made under more than one order

9.26E.—(1) This rule applies where periodical payments are required to be made by a payer to a payee under more than one periodical payments order.

(2) Proceedings for the recovery of payments under more than one order may be made in one application by the payee, which must indicate the payments due under each order.

(3) Paragraphs (4) and (5) apply where any sum paid to the court on any date by a payer who is liable to make payments to the court under two or more periodical payments orders is less than the total sum that the payer is required to pay to the court on that date in respect of those orders.

(4) The payment made will be apportioned between the orders in proportion to the amounts due under each order over a period of one year.

(5) If, as a result of the apportionment referred to in paragraph (4), the payments under any periodical payments order are no longer in arrears, the residue shall be applied to the amount due under the other order or, if there is more than one other order, shall be apportioned between the other orders in accordance with paragraph (4).

- (6) In this rule—
 - “payee” means a person entitled to receive payments under a periodical payments order; and
 - “payer” means a person required to make payments under a periodical payments order.”.

14. In rule 10.6(1), for sub-paragraph (b) and the words in parentheses that follow it, substitute—

- “(b) where the order is made without notice—
 - (i) a copy of the application together with any statement supporting it; and
 - (ii) where the order is made by lay justices, a copy of the written record of the reasons for the court’s decision.

(7) 1920 c. 33.
(8) 1972 c. 18.

(Rule 27.2 makes provision in respect of lay justices giving written reasons in the family court.)”.

15. For rules 10.12 and 10.13 substitute—

“Enforcement of an order: requirement for a penal notice

10.12. At the time when the order is drawn up, the court officer will—

- (a) where the order made is (or includes) a non-molestation order; or
- (b) where the order made is an occupation order and the court so directs,

issue a copy of the order, endorsed with or incorporating a notice as to the consequences of disobedience, for service in accordance with rule 10.6.

(For enforcement of an order by way of committal see Part 37 (rule 37.9 concerns the requirement for a judgment or order to do or not to do an act to contain a penal notice if it is to be enforceable by way of committal).)

Enforcement of an undertaking

10.13. Chapter 2 of Part 37 applies with the necessary modifications where an application is made to commit a person for breach of an undertaking.

(For enforcement of an undertaking by way of committal see rule 37.4(4).)”.

16. For rule 11.15 substitute—

“Enforcement of orders and undertakings

11.15.—(1) At the time when the order is drawn up, the court officer will, where the order made is (or includes) a forced marriage protection order, issue a copy of the order, endorsed with or incorporating a notice as to the consequences of disobedience, for service in accordance with rule 11.7.

(2) Chapter 2 of Part 37 applies with the necessary modifications where an application is made to commit a person for breach of an undertaking.

(For enforcement of an order generally see Part 37 (rule 37.9 concerns the requirement for a judgment or order to do or not to do an act to contain a penal notice if it is to be enforceable by way of committal). For undertakings, see rule 37.4(4).)”.

17. In rule 23.9—

- (a) in the heading, omit “in magistrates’ courts”; and
- (b) for “in a magistrates’ court” substitute “in the family court before a lay justice or lay justices”.

18. In rule 25.20(1), omit “or section 63 of the County Courts Act 1984”.

19. In rule 27.2—

- (a) in the heading, for “of the magistrates’ courts” substitute “: proceedings before a lay justice or justices”;
- (b) in paragraph (1) for “in a magistrates’ court” substitute “in the family court before a lay justice or justices”;
- (c) in paragraph (5)—
 - (i) in sub-paragraph (a) before “justice” insert “lay”; and

- (ii) in sub-paragraph (b), before “justice” insert “lay”;
- (d) in paragraph (7), before “justices” insert “lay”; and
- (e) omit paragraph (10) .

20. After rule 29.18 insert—

“Allocation of proceedings to another level of judge

29.19.—(1) Paragraphs (2) and (3) apply where there has been allocation without a hearing.

(2) A party may request the court to reconsider allocation at a hearing.

(3) Unless the court directs otherwise, a party may make a request referred to in paragraph (2)—

- (a) at any hearing where that party first has notice of allocation; or
- (b) in writing no later than 2 days before the first hearing in the proceedings after the party receives notice of allocation.

(4) When the party requests the court to reconsider allocation in accordance with paragraph (3)(b), the party must at the same time notify other parties of the request in writing.

(5) The court may reconsider allocation of its own initiative.

(6) Rule 4.3 does not apply to allocation without a hearing.

(7) In this rule “allocation” means allocation of proceedings other than appeal proceedings to a level of judge.”.

21. In rule 30.1—

- (a) in paragraph 1(b), for “a county court” substitute “the family court”;
- (b) in the words in parentheses following paragraph (2), for “47.20 to 47.23” substitute “47.21 to 47.24”; and
- (c) in paragraph (3), after the definition of “appellant” insert —

““costs judge” means —

- (a) the Chief Taxing Master;
- (b) a taxing master of the Senior Courts; or
- (c) a person appointed to act as deputy for the person holding office referred to in paragraph (b) or to act as temporary additional officer for any such office;

“district judge” means —

- (a) the Senior District Judge of the Family Division
- (b) a district judge of the Principal Registry of the Family Division;
- (c) a person appointed to act as deputy for the person holding office referred to in paragraph (b) or to act as temporary additional officer for any such office;
- (d) a district judge;
- (e) a deputy district judge appointed under section 102 of the Senior Courts Act 1981 or section 8 of the County Courts Act 1984; or
- (f) a District Judge (Magistrates’ Courts);”.

22. In rule 30.3—

- (a) in paragraph (5A), after “judge of the High Court or” insert “in the family court, a judge of the High Court or”; and
 - (b) omit paragraph (9).
- 23.** In rule 30.4—
- (a) for paragraph (3) substitute —
 - “(3) Where the appeal is against —
 - (a) a case management decision; or
 - (b) an order under section 38(1) of the 1989 Act,the appellant must file the appellant’s notice within 7 days beginning with the date of the decision of the lower court.”; and
 - (b) omit paragraph (5)(e).
- 24.** In rule 30.5—
- (a) in paragraph (4), for “A respondent’s notice” substitute “Subject to paragraph (4A), a respondent’s notice”; and
 - (b) after paragraph (4) insert—
 - “(4A) Where the appeal is against a case management decision, a respondent’s notice must be filed within—
 - (a) such period as may be directed by the lower court; or
 - (b) where the court makes no such direction, 7 days beginning with the date referred to in paragraph (5).”.
- 25.** In rule 30.13, for paragraph (2) substitute—
- “(2) Paragraph (1) does not allow an application for permission to appeal to be transferred to the Court of Appeal.”.
- 26.** In rule 30.14(3), for “a county court” substitute “the family court”.
- 27.** In rule 32.10A—
- (a) in paragraph (4)—
 - (i) after “Where” insert “under section 1(4A) of the Maintenance Enforcement Act 1991”; and
 - (ii) for “section 1(5) of the Maintenance Enforcement Act 1991” substitute “section 1(5) of that Act”;
 - (b) in paragraph (5), for the words after “1991” substitute “(application from an interested party to revoke, suspend, revive or vary a means of payment order)”; and
 - (c) for paragraph (6) substitute—
 - “(6) Where the court makes an order under section 1(7) of the Maintenance Enforcement Act 1991 or dismisses an application for such an order, the court officer will, as far as practicable, notify in writing all interested parties of the effect of the order and will take the steps set out in paragraphs (2), (3) and (4), as appropriate.
 - (7) In this rule, “interested party” has the meaning given in section 1(10) of the Maintenance Enforcement Act 1991.”.
- 28.** In rule 33.1—
- (a) in paragraph (1), for “a county court” substitute “the family court”; and
 - (b) in paragraph (2)—

- (i) for “Part 50” substitute “Parts 50, 83 and 84”;
- (ii) omit the words in brackets; and
- (iii) for “a county court” substitute “the family court”.

29. In rule 33.2—

- (a) omit “and” at the end of paragraph (a); and
- (b) after paragraph (a) insert—

“(a1) in rule 70.3(1), for “County Court” there is substituted “family court”; and”.

30. In rule 33.4, for “a designated county court” in all three places where it occurs substitute “the family court”.

31. Omit rules 33.5 to 33.8, and insert in their place—

“Enforcement of orders by way of committal

33.5. Part 37 applies as appropriate for the enforcement by way of committal of an order made in family proceedings.”.

32. In rule 33.10, for paragraph (1) substitute—

“(1) An application for the issue of a judgment summons may be made—

- (a) in the case of an order of the High Court, to—
 - (i) the principal registry;
 - (ii) a district registry; or
 - (iii) the family court,

whichever in the opinion of the judgment creditor is most convenient, and if to the family court, to whichever Designated Family Judge area is in the opinion of the judgment creditor most convenient; and

- (b) in the case of an order of the family court, to whichever Designated Family Judge area is in the opinion of the judgment creditor most convenient,

having regard (in any case) to the place where the debtor resides or carries on business and irrespective of the location of the court or registry in which the order was made.

(For the way in which information will be provided to enable Designated Family Judge areas and Designated Family Courts to be identified, see Practice Direction 34E.)”.

33. In rule 33.11(3), after “court”, insert “building”.

34. In rule 33.14(1)(b), for “a county court” substitute “the family court”.

35. In rule 33.17(5)(b), for “county court within the district of” substitute “Designated Family Judge area within”.

36. Omit rule 33.18.

37. Omit rule 33.19 and insert in its place—

“Application of CCR Order 27: enforcement of a judgment debt

33.19.—(1) Order 27 of the CCR applies to proceedings under this Part for the enforcement of a judgment debt with the following modifications.

- (2) In Order 27 rule 3—

- (a) in paragraph (1), for “County Court hearing centre” there is substituted “Designated Family Court for the Designated Family Judge area”;
 - (b) in paragraph (2), for “County Court hearing centre in” there is substituted “Designated Family Court for the Designated Family Judge area within”;
 - (c) in paragraph (3)—
 - (i) for “County Court hearing centre” there is substituted “Designated Family Court for the Designated Family Judge area”;
 - (ii) for the words from “at another” to the end there is substituted “within another Designated Family Judge area, the application shall be made to the Designated Family Court for that other Designated Family Judge area.”; and
 - (d) paragraph (4) is omitted.
- (3) In Order 27 rule 7—
- (a) in paragraph (3), for “District Judge” in each place where it occurs there is substituted “court”;
 - (b) in paragraph (4)—
 - (i) for “District Judge who” there is substituted “court which”; and
 - (ii) for “if the District Judge” there is substituted “if it”;
 - (c) in paragraph (5)—
 - (i) for “District Judge does” there is substituted “court does”; and
 - (ii) for “they” there is substituted “it”; and
 - (d) in paragraph (7), for “District Judge” in each place where it occurs there is substituted “court”.
- (4) In Order 27 rule 10—
- (a) in paragraph (2), for “District Judge” there is substituted “court”; and
 - (b) in paragraph (3)—
 - (i) the words “or a magistrates’ court” and “or, as the case may be, the magistrates’ court” are omitted; and
 - (ii) for “County Court” there is substituted “family court”.
- (5) In Order 27 rule 11, for “District Judge” there is substituted “court”.
- (6) In Order 27 rule 14, for paragraphs (1) and (2) there is substituted—
- “(1) Where the question of making a consolidated attachment order falls to be considered in a Designated Family Judge area which is not the area in which an attachment of earnings order has been made to secure the payment of a judgment debt by the debtor, the family court sitting in the last-mentioned area shall, at the request of the family court sitting in the first-mentioned area, transfer to that court the matter in which the attachment of earnings order was made.
- (2) Without prejudice to paragraph (1), if in the opinion of the family court sitting in a Designated Family Judge area in which an attachment of earnings order has been made the matter could more conveniently proceed in another Designated Family Judge area (whether by reason of the debtor having become resident in that other Designated Family Judge area or otherwise), the court may order the matter to be transferred to that other area.”
- (7) In Order 27 rule 16, in paragraph (10), for “the County Court, the District Judge” there is substituted “the family court, the court”.

(8) In Order 27 rule 19, in paragraph (3D), for “District Judge who” there is substituted “court which”.

Application of CCR Order 27: enforcement of a maintenance order

33.19A.—(1) Order 27 of the CCR applies to proceedings under this Part for the enforcement of a maintenance order as it applies to proceedings for the enforcement of a judgment debt, subject to the following provisions of this rule—

- (a) paragraphs (2) and (3) in relation to failure by a debtor under a maintenance order to attend court and the application of section 23 of the Attachment of Earnings Act 1971(9); and
- (b) paragraphs (4) to (11) in relation to applications for an attachment of earnings order to secure payments under a maintenance order, the making of such attachment of earnings orders and their discharge.

(2) An order under section 23(1) of the Attachment of Earnings Act 1971 for the attendance of the debtor at an adjourned hearing for an attachment of earnings order to secure payments under a maintenance order must—

- (a) be served on the debtor personally not less than 5 days before the day fixed for the adjourned hearing; and
- (b) direct that any payments made thereafter must be paid into the court and not direct to the judgment creditor.

(3) An application by a debtor for the revocation of an order committing the debtor to prison and (if already in custody) for discharge under section 23(7) of the Attachment of Earnings Act 1971 must—

- (a) be made to court in writing without notice to any other party, stating the reasons for the debtor’s failure to attend the court or refusal to be sworn or to give evidence (as the case may be) and containing an undertaking by the debtor to attend the court or to be sworn or to give evidence when next required to do so; and
- (b) if the debtor has already been lodged in prison, be attested by the governor of the prison (or any other officer of the prison not below the rank of principal officer), and in any other case be made in a witness statement or affidavit,

and before dealing with the application the court may, if it thinks fit, cause notice to be given to the judgment creditor that the application has been made and of a date and time when the judgment creditor may attend and be heard.

(4) An application for an attachment of earnings order to secure payments under a maintenance order must be made to the Designated Family Judge area within which the order was made.

(5) Any application under section 32 of the 1973 Act for permission to enforce the payment of arrears which became due more than 12 months before the application for an attachment of earnings order must be made in the application for the attachment of earnings order.

(6) Notice of the application, together with a form of reply in the appropriate form, must be served on the debtor in the manner set out in rule 6.23 and—

- (a) service of the notice must be effected not less than 21 days before the hearing, but may be effected at any time before the hearing on the applicant satisfying the court by witness statement or affidavit that the respondent is about to move from the address for service; and

(9) 1971 c. 32. Section 23 is amended by the Crime and Courts Act 2013 (c.22), paragraph 33 Schedule 10.

(b) rule 5(2A) of CCR Order 27 does not apply.

(7) An application by the debtor for an attachment of earnings order to secure payments under a maintenance order may be made on the making of the maintenance order or of an order varying the maintenance order, and rules 4 and 5 of CCR Order 27 do not apply in such a case.

(8) Rule 7 of CCR Order 27 has effect as if for paragraphs (1) to (8) of that rule there were substituted the following paragraph—

“(1) An application for an attachment of earnings order to secure payments under a maintenance order shall be heard in private.”

(9) Where an attachment of earnings order made by the High Court designates the court officer of the family court as the collecting officer, that officer shall, on receipt of a certified copy of the order from the court officer of the High Court, send to the person to whom the order is directed a notice as to the mode of payment.

(10) Where an attachment of earnings order made by the family court to secure payments under a maintenance order ceases to have effect and—

(a) the related maintenance order was made by that court; or

(b) the related maintenance order was an order of the High Court and—

(i) the court officer of the family court has received notice of the cessation from the court officer of the High Court; or

(ii) a committal order has been made in the family court for the enforcement of the related maintenance order,

the court officer of the family court shall give notice of the cessation to the person to whom the attachment of earnings order was directed.

(11) Rule 13 of CCR Order 27 has effect as if for paragraphs (4) to (7) there were substituted the following paragraph—

“(4) Where the family court has made an attachment of earnings order and it appears to the court that the related maintenance order has ceased to have effect (whether by virtue of the terms of the maintenance order or under section 238 of the 1973 Act or otherwise), the court may discharge or vary the attachment of earnings order.””

38. In the heading to Chapter 4 of Part 33, for “Execution” substitute “Control”.

39. In rule 33.20—

(a) for “execution” substitute “control”; and

(b) for “district judge” substitute “court”.

40. Omit rule 33.21.

41. For rule 33.23 substitute—

“Application of the CPR

33.23.—(1) Part 71 of the CPR applies to proceedings under this Part with the following modifications.

(2) In rule 71.2(2), for paragraph (b) substitute—

“(b) must be—

(i) issued in the High Court if the High Court made the judgment or order which it is sought to enforce; or

(ii) made to the Designated Family Court for the Designated Family Judge area within which the judgment or order was made, except that if the proceedings have since been transferred to a different court or Designated Family Judge area, it must be issued in that court or made to that area.””

42. In rule 33.24—

(a) after paragraph (1), insert—

“(1A) In rule 72.3, for paragraph (1)(b) there is substituted—

“(b) must be issued in the court which made the judgment or order which it is sought to enforce, or made to the Designated Family Judge area within which that judgment or order was made, except that if the proceedings have since been transferred to a different court or Designated Family Judge area, it must be issued in that court or made to that area.””

(b) for paragraph (3) substitute—

“(3) In rule 72.7—

- (a) in paragraph (2)(a), after “the Royal Courts of Justice” there is inserted “or the principal registry”; and
- (b) in paragraph (2)(b), for “in County Court proceedings, to any County Court hearing centre” there is substituted “in family court proceedings, to any Designated Family Judge area”.

43. In rule 33.25, for paragraph (4) substitute—

“(4) In rule 73.3, in paragraph (2)—

- (a) for the words from “court” to “enforce” there is substituted “court which made the judgment or order which it is sought to enforce, or made to the Designated Family Judge area within which that judgment or order was made”;
- (b) in sub-paragraph (a), for the words from “different court” to the end there is substituted “different court or Designated Family Judge area, in which case the application must be issued in that court or made to that area”;
- (c) sub-paragraphs (b) and (c) are omitted;
- (d) in sub-paragraph (d), for “County Court” there is substituted “family court”; and
- (e) sub-paragraph (e) is omitted.”.

44. After Part 36, insert Part 37 (Applications and proceedings in relation to contempt of court) as set out in the Schedule to these Rules.

Transitional and saving provision

45.—(1) Subject to paragraphs (2) and (3), the Family Procedure Rules 2010 as amended by these Rules shall apply to any proceedings which were commenced but not disposed of before these Rules came into force.

(2) The court may in any such proceedings give any directions for the purpose of ensuring that the proceedings are dealt with fairly and, in particular, may—

- (a) apply any provision in rules of court which applied to the proceedings before these Rules came into force; or
- (b) disapply provisions of the Family Procedure Rules 2010 as amended by these Rules.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) Part 30 of the Family Procedure Rules applies to appeals or applications for permission to appeal against decisions made before these Rules come into force as if the amendments made to that Part by rule 21(c) (in so far as it refers to a District Judge (Magistrates' Courts)) and rules 23(a) and 24(a) and (b) of these Rules had not been made.

*James Munby, P
Timothy Becker
Richard Burton
Paul Carr
Martyn Cook
Bruce Edgington
Angela Finnerty
Mike Hinchliffe
Sunita Mason
David Salter
Lucy Theis, J
John Wilson*

I allow these Rules
Signed by authority of the Lord Chancellor

13th March 2014

Simon Hughes
Minister of State
Ministry of Justice