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STATUTORY INSTRUMENTS

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**2015 No. 1420**

**The Family Procedure (Amendment No. 2) Rules 2015**

**Substitution of rule 33.14**

**21.** For rule 33.14 (committal on application for judgment summons) substitute—

**“Committal on application for judgment summons**

**33.14.**—(1) Subject to paragraph (2), on a hearing of an application for a judgment summons the debtor may be committed for making default on payment of a debt if the judgment creditor proves that the debtor—

(a) has, or has had, since the date of the order the means to pay the sum in respect of which the debtor has made default; and

(b) has refused or neglected, or refuses or neglects, to pay that sum.

(2) A debtor may not be committed in accordance with paragraph (1) where the judgment summons was served by post, unless the debtor attends the hearing.

(3) Where the debtor has been ordered or summonsed to attend an adjourned hearing in accordance with rule 33.13, the debtor may be committed—

(a) for failure to attend the adjourned hearing; or

(b) for making default on payment of a debt, if the judgment creditor proves that the debtor—

(i) has, or has had, since the date of the order the means to pay the sum in respect of which the debtor has made default; and

(ii) has refused or neglected, or refuses or neglects, to pay that sum.

(4) The debtor may not be compelled to give evidence.”.