
STATUTORY INSTRUMENTS

2016 No. 901

The Family Procedure (Amendment No. 2) Rules 2016

Insertion of new rule 9.9A

4. After rule 9.9 (application for periodical payments order at same rate as an order for maintenance pending outcome of proceedings) insert—

“Application to set aside a financial remedy order

9.9A.—(1) In this rule—

- (a) “financial remedy order” means an order or judgment that is a financial remedy, and includes—
 - (i) part of such an order or judgment; or
 - (ii) a consent order; and
- (b) “set aside” means—
 - (i) in the High Court, to set aside a financial remedy order pursuant to section 17(2) of the Senior Courts Act 1981 and this rule;
 - (ii) in the family court, to rescind or vary a financial remedy order pursuant to section 31F(6) of the 1984 Act⁽¹⁾.

(2) A party may apply under this rule to set aside a financial remedy order where no error of the court is alleged.

(3) An application under this rule must be made within the proceedings in which the financial remedy order was made.

(4) An application under this rule must be made in accordance with the Part 18 procedure, subject to the modifications contained in this rule.

(5) Where the court decides to set aside a financial remedy order, it shall give directions for the rehearing of the financial remedy proceedings or make such other orders as may be appropriate to dispose of the application.”.

(1) 1984 c. 42. Section 31F was inserted by paragraph 1 of Schedule 10 to the Crime and Courts Act 2013.