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STATUTORY INSTRUMENTS

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**1994 No. 2890 (L.17)**

**FAMILY PROCEEDINGS SUPREME COURT  
OF ENGLAND AND WALES COUNTY COURTS**

**The Family Proceedings (Amendment) (No. 3) Rules 1994**

*Made* - - - - *25th October 1994*  
*Laid before Parliament* *14th November 1994*  
*Coming into force* - - *6th December 1994*

We the authority having power under section 40(1) of the Matrimonial and Family Proceedings Act 1984<sup>(1)</sup> to make rules of court for the purposes of family proceedings in the High Court and county courts, in the exercise of the powers conferred by the said section 40, and of all other powers enabling us in that behalf, hereby make the following Rules:

1. These Rules may be cited as the Family Proceedings (Amendment) (No. 3) Rules 1994 and shall come into force on 6th December 1994.
2. The Family Proceedings Rules 1991<sup>(2)</sup> shall be amended in accordance with the following provisions of these Rules and, in those provisions, any reference to a rule by number alone shall be construed as a reference to the rule so numbered in the said Rules of 1991.
3. In rules 6.11 and 6.12, for “or the High Court in Northern Ireland”, wherever they appear, there shall be substituted “, the High Court in Northern Ireland or the High Court of Justice of the Isle of Man”.
4. In rule 6.11(2), after “section 20(2) of the Act” there shall be inserted “or section 42(2) of the Child Custody Act 1987 (an Act of Tynwald)”.
5. In rule 6.11(4)(a), for “or High Court in Northern Ireland”, there shall be substituted “, the High Court in Northern Ireland or the High Court of Justice of the Isle of Man,”.
6. In rule 6.11(5), after “a court of summary jurisdiction in Northern Ireland” there shall be inserted “, the High Court of Justice of the Isle of Man, a court of summary jurisdiction in the Isle of Man”.
7. In rule 7.7(1)—
  - (a) in the definition of “the appropriate court”, at the end, there shall be added “and, in relation to a specified dependent territory, the corresponding court in that territory”;

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(1) 1984 c. 42. Section 40 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 50.  
(2) S.I. 1991/1247, the relevant amending instrument is S.I. 1992/2067.

- (b) after the definition of “the appropriate court” there shall be inserted—  
    ““the appropriate officer” means, in relation to the Court of Session, the Deputy Principal Clerk of Session, in relation to the High Court in Northern Ireland, the Master (Care and Protection) of that court and, in relation to the appropriate court in a specified dependent territory, the corresponding officer of that court;”
- (c) the definitions of “the Deputy Principal Clerk” and “the Master” shall be deleted;
- (d) after the definition of “registration” there shall be inserted—  
    ““specified dependent territory” means a dependent territory specified in column 1 of Schedule 1 to the Family Law Act 1986 (Specified Dependent Territories) Order 1991(3).”
- 8.** For rule 7.8(3)(d), there shall be substituted—  
    “(d) in which of the jurisdictions of Scotland, Northern Ireland or a specified dependent territory the order is to be registered”.
- 9.** In rules 7.8(4)(a) and 7.10(1)(a), for “the Deputy Principal Clerk or to the Master, as the case may be” there shall be substituted “the appropriate officer”;
- 10.** In rule 7.9—  
    (a) for the heading there shall be substituted—  
          
        *“Registration of orders made in Scotland, Northern Ireland or a specified dependent territory”; and*
- (b) for “Scotland or Northern Ireland”, there shall be substituted “Scotland, Northern Ireland or a specified dependent territory”.
- 11.** In rule 7.11—  
    (a) for the heading there shall be substituted—  
          
        *“Registration of revoked, recalled or varied orders made in Scotland, Northern Ireland or a specified dependent territory”; and*
- (b) in paragraph (1), for “Scotland or Northern Ireland”, there shall be substituted “Scotland, Northern Ireland or a specified dependent territory”.

*Mackay of Clashfern, C.  
Stephen Brown, P.  
Anne Downey  
Gerald Angel  
James Holman  
J. M. Appleby  
David Salter  
Sandra Andrew*

Dated 25th October 1994

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

The Child Abduction and Custody Act 1985 (c. 60) gives effect in the United Kingdom to the Hague Convention on the Civil Aspects of International Child Abduction (1980, Cm.33) and the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children (1980, Cm.191). The Child Abduction and Custody Act 1985 (Isle of Man) Order 1994 (S.I.1994/2799) modifies the 1985 Act so as to extend to the Isle of Man the provisions applying between the United Kingdom jurisdictions in respect of the transmission of Convention applications, suspension of jurisdiction and transfer of applications between courts. These Rules make amendments to Part 6 of the Family Proceedings Rules 1991 consequential on the coming into force of the 1994 Order.

The Family Law Act 1986 (Dependent Territories) Order 1991 (S.I. 1994/1723) brings orders made with regard to the custody of children in the Isle of Man within the recognition and enforcement scheme of the Family Law Act 1986. These Rules make amendments to Part 7 of the Family Proceedings Rules consequential on that Order.