
STATUTORY INSTRUMENTS

1994 No. 808 (L.4)

FAMILY PROCEEDINGS

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS

The Family Proceedings (Amendment) Rules 1994

Made - - - - *21st March 1994*

Laid before Parliament *21st March 1994*

Coming into force - - *11th April 1994*

We, the authority having power under section 40(1) of the Matrimonial and Family Proceedings Act 1984⁽¹⁾ 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) Rules 1994 and shall come into force on 11th April 1994.

2. Appendix 1 to the Family Proceedings Rules 1991⁽²⁾ shall be amended in accordance with the following provisions of these Rules.

3. The following amendments shall be made to Form CHA13 (Application for Financial Provision for Children)⁽³⁾—

(a) in the preliminary section, after “If you have ticked “periodical payments” or “secured periodical payments”” there shall be inserted “please tick here if there is a written agreement made before 5th April 1993 about maintenance for the benefit of the child below . If not”;

(b) for sections 5 and 6 there shall be substituted the provisions contained in the Schedule to these Rules.

4. In section 4(b) of Form CHA15 (Application for the Variation/Discharge of an Order for Financial Provision for Children)⁽⁴⁾, after “If yes, please give details” there shall be inserted “If the assessment has changed, indicate the original sum and the new sum payable”.

(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, amended by S.I. 1991/2113, 1992/456 and 2067 and 1993/295.

(3) Form CHA13 was substituted by S.I. 1993/295.

(4) Form CHA15 was substituted by S.I. 1991/2113, and further amended by S.I. 1992/456 and 1993/295.

Status: This is the original version (as it was originally made).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

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Dated 21st March 1994

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SCHEDULE

Rule 3

5 About earlier court proceedings and maintenance agreements

- (a) Are there any relevant court proceedings between the parents or those who have parental responsibility, or both?

- No Proceedings are not pending or in progress
 Yes Proceedings are pending or in progress.
(Please give details below)

Include the name of the court and the case number of the proceedings if known

- (b) Is there a relevant written maintenance agreement for the benefit of the child?

- No There is no written maintenance agreement
 Yes There is a written maintenance agreement
(Please give details below)

Include

- the terms of the agreement*
- the date it was made*
- the parties to the agreement*

THE CHILDREN ACT

6 About this application

- (a) I wish the Court to order that

Give details of the financial provision you wish the court to make, including the amounts requested

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6 About this application (continued)

(b) The financial needs of the child are

(c) The income, property and other financial resources (if any) of the child are

(d) Does the child have any physical or mental disability?

- No
- Yes The disability is

Give details of all disabilities.

(e) In which manner is the child being, or expected to be, educated or trained?

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6 About this application (continued)

(f) Has the Child Support Agency made an assessment for maintenance for this child? No Yes

If you have ticked Yes are you applying :

- for additional child maintenance on top of payments made through the Child Support Agency? No Yes Please give details below

- because the Agency will no longer deal with your claim? No Yes Please give details below

- Are you using the Child Support Agency's collection service for the existing maintenance assessment? No Yes

Notice
If you have ticked **Yes** and this application is for either

- expenses arising from the child's disability
- or expenses incurred by the child in being educated, or training for work,
- or payments in addition to a maximum assessment by the Agency.

you must ask the Agency to collect and enforce payment.

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6 About this application (continued)

(g) If payments are not to be collected by the Child Support Agency, how do you wish the payments to be made?

direct to a bank or building society account.
The name of the bank or building society is

The bank or building society sort code is

The account number is

by an attachment of earnings order

in the following way

no preference

If you would like another method of payment to be used, please give details in the box.

Notice You should now complete the statement of means form (CHA 14)

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Rules 1991. As a result of transitional provisions relating to the Child Support Act 1991 (c. 48), the courts retain jurisdiction, in certain circumstances, over written maintenance agreements for the benefit of children made before 5th April 1993. Form CHA13 is amended in order to elicit information concerning these agreements.

The Rules also revise Forms CHA13 and CHA15 to take into account the powers of the Child Support Agency, after 11th April 1994, to deal with the collection and enforcement of court orders for education and disability expenses and of orders above the Agency's maximum assessment where the Agency is already collecting child maintenance on behalf of the applicant.