STATUTORY INSTRUMENTS

1997 No. 1894

The Family Proceedings Courts (Matrimonial Proceedings etc) (Amendment) Rules 1997

Citation, commencement and interpretation

14. After rule 12, there shall be inserted the following new rules—

"**Hearing of applications under Part IV of the Family Law Act 1996**

12A.—(1) This rule applies to the hearing of applications under the Part IV of the Family Law Act 1996 and the following forms shall be used in connection with such hearings:

(a) a record of the hearing shall be made on Form FL405, and

(b) any order made on the hearing shall be issued in Form FL404.

(2) Where an order is made on an application made ex parte, a copy of the order together with a copy of the application and of any statement supporting it shall be served by the applicant on the respondent personally.

(3) Where the applicant is acting in person, service of a copy of an order made on an application made ex parte shall be effected by the justices' clerk if the applicant so requests.

(4) Where the application is for an occupation order under section 33, 35 or 36 of the Family Law Act 1996, a copy of any order made on the application shall be served by the applicant by first-class post on the mortgagee or, as the case may be, the landlord of the dwelling-house in question.

(5) A copy of an order made on an application heard inter partes shall be served by the applicant on the respondent personally.

(6) Where the applicant is acting in person, service of a copy of the order made on an application heard inter partes may, with the leave of the justices' clerk, be effected in accordance with rule 4.

(7) The court may direct that a further hearing be held in order to consider any representations made by a mortgagee or a landlord.

Applications to vary etc orders made under Part IV of the Family Law Act 1996

12B. An application to vary, extend or discharge an order made under Part IV of the Family Law Act 1996 shall be made in Form FL403 and rules 12 and 12A shall apply to the hearing of such an application.".