
STATUTORY INSTRUMENTS

1997 No. 637

FAMILY LAW

SUPREME COURT OF ENGLAND AND WALES

COUNTY COURTS

The Family Proceedings (Amendment) Rules 1997

Made - - - - *6th March 1997*
Laid before Parliament *6th March 1997*
Coming into force in accordance with rule 1

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 1997 and shall come into force immediately after the coming into force of sections 152, 153 and 154 of the Pensions Act 1995⁽²⁾.
2. The following shall be substituted for rule 2.70(1)(a) of the Family Proceedings Rules 1991⁽³⁾:
“(a) regulation 5 of and Schedule 2 to the Occupational Pension Schemes (Disclosure of Information) Regulations 1996⁽⁴⁾ and regulation 11 of and Schedule 1 to the Occupational Pension Schemes (Transfer Values) Regulations 1996⁽⁵⁾.”.
3. For Form M1 in Appendix 1 to the Family Proceedings Rules 1991 there shall be substituted the form set out in the Schedule hereto.
4. The Family Proceedings (Amendment) (No. 3) Rules 1996⁽⁶⁾ shall be revoked.

(1) 1984 c. 42. Section 40 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 50.
(2) 1995 c. 26.
(3) S.I.1991/1247, as amended by S.I. 1992/2067 and 1996/1674 and 1778.
(4) S.I. 1996/1655.
(5) S.I. 1996/1847.
(6) S.I. 1996/1778.

Status: This is the original version (as it was originally made).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

Dated 6th March 1997

Mackay of Clashfern, C.

Status: This is the original version (as it was originally made).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

SCHEDULE

Rule 3

SCHEDULE

Rule 3

In the County Court
 No. of matter
 Between Petitioner *Solicitor's ref*
 and Respondent *Solicitor's ref*

Statement of information for a consent order

Duration of Marriage

Give the date of your marriage and the date of the decree absolute (if pronounced)

Ages of parties

Give the age of any minor (i.e. under the age of 18) or dependant child(ren) of the family.

Petitioner Respondent
 Child(ren)

Summary of means

Give, as at the date this statement is signed overleaf:

(1) the approximate amount or value of capital resources. If there is a property give its net equity and details of the proposed distribution of the equity.

(2) the net income of the petitioner and respondent and, where relevant, of minor or dependant child(ren) of the family.

(3) the value of any benefits under a pension scheme which you have or are likely to have, including the most recent valuation (if any) provided by the pension scheme.

Note: if the application is only made for an order for interim periodical payments, or for variation of an order for periodical payments, you only need to give details of 'net income'.

	(1) Capital Resources <i>(less any unpaid mortgage or charge)</i>	(2) Net income	(3) Pension
Petitioner			
Respondent			
Children			

Where the parties and the children will live

Give details of the arrangements which are intended for the accommodation of each of the parties and any minor or dependant child(ren) of the family.

Marital plans

Please tick a box and, if appropriate, give the date of the marriage if you know it.

	No intention to marry or cohabit at present	Has remarried	Intends to marry	Intends to cohabit with another person
Petitioner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Date of marriage:	Date of marriage:	
Respondent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Date of marriage:	Date of marriage:	

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Notice to Mortgage

These questions are to be answered by the applicant where the terms of the order provide for a transfer of property.

Has every mortgagee (if any) of the property been served with notice of the application?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Has any objection to a transfer of property been made by any mortgagee, within 14 days from the date when the notice of the application was served?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Notice to Pension Fund or Insurance Scheme

These questions are to be answered by the applicant where the terms of an order under section 23 of the Matrimonial Causes Act 1973 include provision by virtue of section 25B and section 25C of that Act.

Has every Trustee or Manager of any pension fund, insurance scheme or similar arrangement been served with notice of the application and notice under Rule 2.70 (4)(a)(b) and (c) of the Family Proceedings Rules 1991?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Has any objection to an order under section 23 of the Matrimonial Causes Act 1973 which includes provision by virtue of section 25B and section 25C of that Act been made by a Trustee or Manager within 14 days from the date when the notice of the application was served?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Other information

Give details of any other especially significant matters.

Signed		
[Solicitor for] Petitioner	[Solicitor for] Respondent	
Date	Date	

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Rules 1991 so as to update a reference to regulations in rule 2.70 and to amend Form M1 (statement of information for a consent order) to take account of the Pensions Act 1995.