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STATUTORY INSTRUMENTS

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**2001 No. 778 (L. 14)**

**FAMILY PROCEEDINGS,  
ENGLAND AND WALES**

**The Family Proceedings Courts  
(Family Law Act 1986) Rules 2001**

<i>Made</i>	- - - -	<i>6th March 2001</i>
<i>Laid before Parliament</i>		<i>9th March 2001</i>
<i>Coming into force</i>	- -	<i>1st April 2001</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980<sup>(1)</sup>, after consultation with the Rule Committee appointed under that section, hereby makes the following Rules:—

**Citation, commencement and transitional provisions**

1. These Rules may be cited as the Family Proceedings Courts (Family Law Act 1986) Rules 2001 and shall come into force on 1st April 2001.
2. These Rules shall apply to proceedings begun on or after 1st April 2001.

**Amendment of Family Proceedings Courts (Child Support Act 1991) Rules**

3. In rule 4 of the Family Proceedings Courts (Child Support Act 1991) Rules 1993<sup>(2)</sup>—
  - (a) in paragraph (1), delete “and an application under section 27 of the Act of 1991 (reference to the court for declaration of parentage)”;
  - (b) delete paragraph (3);
  - (c) in paragraph (4), for “sections 20 or 27” substitute “section 20”.

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(1) [1980 c. 43](#); relevant extensions were made by section 145 of that Act; by section 28 of the Justices of the Peace Act 1979, as amended by section 117 of the Courts and Legal Services Act [1990 \(c. 41\)](#); by section 93 of the Children Act [1989 \(c. 41\)](#), as amended by paragraph 22 of Schedule 16 to the Courts and Legal Services Act 1990; and by section 10 of the Courts and Legal Services Act 1990, as amended by paragraph 11 of Schedule 2 to the Maintenance Enforcement Act [1991 \(c. 17\)](#).

(2) [S.I.1993/627](#).

## **Amendment of Family Proceedings Courts (Matrimonial Proceedings etc.) Rules**

4. The Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991<sup>(3)</sup> shall be amended in accordance with the following provisions of these Rules and in those provisions any reference to a Part, rule or Schedule by number alone shall be construed as a reference to the Part, rule or Schedule so numbered in the said Rules of 1991.

5. In the heading to Part II, after “DOMESTIC PROCEEDINGS AND MAGISTRATES COURTS ACT 1978” insert “, PROCEEDINGS UNDER SECTION 55A OF THE FAMILY LAW ACT 1986<sup>(4)</sup>”.

6. In rule 2—

- (a) in paragraph (1), for “the Act or, as the case may be, the Family Law Act 1996” substitute “the Act, the Family Law Act 1986 or the Family Law Act 1996, as the case may be”;
- (b) in paragraph (2), for “in the Act or, as the case may be, in the Family Law Act 1996” substitute “in the Act, the Family Law Act 1986 or the Family Law Act 1996, as the case may be”.

7. After rule 3A, insert the following new rule—

### **“Applications under section 55A of the Family Law Act 1986**

**3B.**—(1) An application for a declaration of parentage under section 55A of the Family Law Act 1986 shall be made in Form FL 423.

(2) An application in Form FL 423 shall be supported by a statement which is signed and is declared to be true. Provided that if the applicant is under the age of 18, the statement shall, unless otherwise directed, be made by his next friend.

(3) A statement under paragraph (2) may contain statements of information or belief with the sources and grounds thereof.

(4) Within 14 days of service of the application the respondent shall file and serve on the parties an answer to the application in Form FL 423.

(5) Where the respondent or one of the respondents is a child, the justices' clerk or the court may at any stage in the proceedings appoint a guardian ad litem, but only if it considers that such an appointment is necessary to safeguard the interests of the child.

(6) The justices' chief executive shall send a copy of the application and every document accompanying it and of any answer to the Attorney General if he has notified the court that he wishes to intervene in the proceedings.

(7) When all answers to the application have been filed the applicant shall issue and serve on all respondents to the application a request for directions for the conduct of the proceedings, including directions as to any other persons who should be made respondents to the application or given notice of the proceedings.

(8) When giving directions in accordance with paragraph (7) the court shall consider whether it is desirable that the Attorney General should argue before it any question relating to the proceedings, and if it does so consider and the Attorney General agrees to argue that question—

- (i) the justices' chief executive shall send a copy of the application and every document accompanying it and of any answer to the Attorney General;
- (ii) the Attorney General need not file an answer; and

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(3) S.I. 1991/1991, amended by S.I. 1997/1894.

(4) 1986 c. 55; section 55A was inserted by the Child Support, Pensions and Social Security Act 2000 (c. 19), section 83.

(iii) the court shall give him directions requiring him to serve on all parties to the proceedings a summary of his argument.

**9)** Persons given notice of proceedings pursuant to directions given in accordance with paragraph (7) shall within 21 days after service of the notice upon them be entitled to apply to the court to be joined as parties.

**10)** The Attorney General may file an answer to the application within 21 days after directions have been given in accordance with paragraph (7) and no directions for the hearing shall be given until that period and the period referred to in paragraph (9) have expired.

**11)** The Attorney General, in deciding whether it is necessary or expedient to intervene in the proceedings, may have a search made for, and may inspect and obtain a copy of, any document filed in the court offices which relates to any other family proceedings referred to in the proceedings.

**12)** Where the justices' clerk or the court is considering whether or not to transfer proceedings under section 55A of the Family Law Act 1986 to another court, rules 6, 14(2) (h), (4) and (11) and 32 of the Family Proceedings Courts (Children Act 1989) Rules 1991(5) shall apply as appropriate.

**13)** A declaration made in accordance with section 55A of the Family Law Act 1986 shall be in form FL 424.

**14)** The prescribed officer for the purposes of section 55A(7) of the Family Law Act 1986 shall be the justices' chief executive, who shall, within 21 days after a declaration of parentage has been made, send to the Registrar General a copy of the declaration and of the application.”.

**8.** In Schedule 1, after Form FL 422 insert the Forms set out in the Schedule to these Rules.

Dated 6th March 2001

*Irvine of Lairg , C.*

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SCHEDULE

Rule 8

**APPLICATION FOR A DECLARATION OF PARENTAGE UNDER THE FAMILY LAW ACT 1986, SECTION 55A**

In the ..... Magistrates' Court  
at .....

### **1 About you (the applicant)**

- (1) State your title (Mr, Mrs etc), full name, sex, date and place of birth, and residential address
- (2) If you are known by a name other than that which appears in your birth certificate, state both names
- (3) If you are not the person whose parentage is in issue or an acknowledged or alleged parent of that person, state what your interest in the case is, or that the application relates to the Child Support Act 1991 and is brought by the Secretary of State or the person with care
- (4) State your solicitor's name, address, reference, telephone, fax and DX numbers

### **2 About the other people in the case**

- (1) State, so far as you know them, the full name and the sex, date and place of birth and residential address of each of the following persons (unless you are that person)—  
the person whose parentage is in issue (that is, there is a dispute who that person's parents are)  
the person whose parenthood is in issue (that is, there is a dispute whether that person is the parent of a particular person)  
any person who is acknowledged to be the father or mother of the person whose parentage is in issue
- (2) If the person whose parentage is in issue or the person whose parenthood is in issue is known by a name other than that which appears in his birth certificate, state both names of that person
- (3) If the mother, or alleged mother, of the person whose parentage is in issue has been known by different names at times before the date of the application state (if you know it) her full name at the date of—
  - (i) her birth
  - (ii) her first marriage
  - (iii) the birth of the person whose parentage is in issue, and
  - (iv) her most recent marriage
- (4) Give particulars of every other person whose interest may be affected by the proceedings and his relationship to the person whose parentage is in issue

### **3 Your reason(s) for applying**

State the grounds on which you are relying and all other relevant facts which you allege to justify the making of the declaration

### **4 Other proceedings**

State whether there are or have been any other proceedings in any court, tribunal or authority in England or Wales or elsewhere relating to the parentage of the person whose parentage is in

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issue or to the parenthood of the person whose parenthood is in issue, and, if so, give the following details—

particulars of the proceedings, including the court, tribunal or authority before which they were begun, and their nature, outcome or present state

the date they were begun

the names of the parties, and

the date or expected date of any trial in the proceedings

## **5 Connection with England and Wales**

(1) State whether the person whose parentage is in issue or the person whose parenthood is in issue—

- (a) is domiciled in England and Wales on the date of the application

YES/NO

- (b) has been habitually resident in England and Wales throughout the period of one year ending with that date

YES/NO

- (c) died before that date and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of one year ending with the date of death

YES/NO

(2) If the court's jurisdiction to hear the application is based on habitual residence, state the addresses of the places of residence of the person so resident and the length of residence at each place either during the period of one year ending with the date of the application or, if that person is dead, throughout the period of one year ending with the date of death

## **6 Nationality etc**

State the nationality, citizenship or immigration status of the person whose parentage is in issue and of the person whose parenthood is in issue, and the effect which the granting of a declaration of parentage would have upon the status of each of them as regards his nationality, citizenship or right to be in the United Kingdom

## **7 Birth certificate**

Unless the court has directed otherwise, annex to the application a copy of the birth certificate of the person whose parentage is in issue

## **8 The respondents**

The respondents to the application will be—

- (i) the person whose parentage is in issue, and  
(ii) any person who is, or who is alleged to be, the mother or father of the person whose parentage is in issue,

excluding the applicant

State the full name and residential address of each of the respondents

**Date**

## RESPONDENT'S ANSWER

In the ..... Magistrates' Court

At .....

Respondent's full name and address for service

Do you have legal representation? YES/NO

If yes, state your solicitor's name, address, reference, telephone, fax and DX numbers

Do you accept that you should be a respondent in this application? YES/NO

If no, please give reasons

If yes, do you intend to contest this application? YES/NO

If yes, please give reasons

Is everything in the application true to the best of your knowledge? YES/NO

If no, please explain

Is there anything else that the court should know about this application? YES/NO

If yes, please give details

I declare that the information I have given is true to the best of my knowledge

Signed

Date

You must return the answer to the court and serve a copy on the applicant and any other respondent within 14 days of the date of service on you of this form

FL423 Application for a declaration of parentage under section 55A of the Family Law Act 1986 and respondent's notice

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**DECLARATION OF PARENTAGE UNDER THE FAMILY LAW ACT 1986,  
SECTION 55A**

**[formal parts]**

Upon the application of \_\_\_\_\_ (*the applicant*) and upon hearing (*the applicant*)  
and \_\_\_\_\_ (*the respondent(s)*):

It is declared that \_\_\_\_\_ (*the person whose parenthood is in issue*) [is] [was] [or] [is not]  
[was not] the parent of \_\_\_\_\_ (*the person whose parentage is in issue*).

FL424 Declaration of parentage under section 55A of the Family Law Act 1986

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**EXPLANATORY NOTE**

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

These Rules prescribe the procedure to be followed in family proceedings courts on applications for declarations of parentage under section 55A of the Family Law Act 1986, which was introduced by section 83 of the Child Support, Pensions and Social Security Act 2000. Proceedings under section 55A replace those under section 56(1)(a) of the Family Law Act 1986, which were brought in the High Court and county courts, and those under section 27 of the Child Support Act 1991, which were brought in family proceedings courts and were limited to cases involving child support where paternity was in issue. The procedure closely follows that now prescribed in the Family Proceedings Rules 1991 for applications under section 55A in the High Court and county courts.