
STATUTORY INSTRUMENTS

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(1), 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(2)—
 - (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”.

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

4. The Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991(3) shall be amended in accordance with the following provisions of these Rules and in those provisions any

(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.

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

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(4)”.

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

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

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

issue or to the parentage of the person whose parentage is in issue—
following details—

particulars of the proceedings, the date they were begun, and their nature

the date they were begun

the names of the parties

the date or expected date of the proceedings

5 Connection with the issue

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

(a) is domiciled in the United Kingdom

YES/NO

(b) has been habitually resident in the United Kingdom ending with the date of the application

YES/NO

(c) died before the date of the application and has been habitually resident in the United Kingdom with the date of death

YES/NO

(2) If the court's jurisdiction is based on the fact that the person whose parentage is in issue was born in the United Kingdom, state the addresses of the place of birth and the place either during the pregnancy or after the birth, if the person is dead, throughout the pregnancy and after the birth

6 Nationality etc

State the nationality, and of the person whose parentage is in issue, and of the person whose parentage would be in issue if the person whose parentage is in issue were to be in the United Kingdom

7 Birth certificate

Unless the court has jurisdiction under section 10 of the Child Support Act 1991, state the person whose parentage is in issue

8 The respondents

The respondents to the proceedings are

(i) the person whose parentage is in issue

(ii) any person whose parentage is in issue

excluding the applicant

State the full name and address of each respondent

Date

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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.