
STATUTORY INSTRUMENTS

2007 No. 1622

The Family Proceedings (Amendment) Rules 2007

Amendments to the Family Proceedings Rules 1991

4. In rule 3.9A—

(a) for paragraph (1), substitute—

“(1) Where a power of arrest is attached to one or more of the provisions (“the relevant provisions”) of an occupation order under the Family Law Act 1996, the relevant provisions shall be set out in Form FL406 and the form shall not include any provisions of the order to which the power of arrest was not attached.

(1A) Where the court makes a non-molestation order under that Act or paragraph (1) applies, the following documents shall be delivered to the officer for the time being in charge of any police station for the applicant’s address or of such other police station as the court may specify—

- (a) a copy of Form FL404a or FL406, as the case may be; and
- (b) a statement showing that the respondent has been served with the order or informed of its terms (whether by being present when the order was made or by telephone or otherwise).

(1B) The documents referred to in paragraphs (1A)(a) and (b) shall be delivered by—

- (a) the applicant, if the applicant is responsible for serving the order on the respondent in accordance with rule 3.9(2) or (4); or
- (b) the court, if the court is responsible for serving the order on the respondent in accordance with rule 3.9(5).”.

(b) in paragraph (2)—

- (i) after “relevant provisions”, insert “of an occupation order or, as the case may be, any provisions of a non-molestation order”; and
- (ii) in sub-paragraph (a), for “form under paragraph (1)”, substitute “any form under paragraph (1A)”.

(c) in paragraph (3), after “the respondent”, insert “under section 47(8) of the Family Law Act 1996”;

(d) at the beginning of paragraph (4)(b)(i), insert “Unless the court directs otherwise,”; and

(e) in paragraph (10)—

- (i) for “an order”, substitute “an occupation order under section 47(2) or (3) of the Family Law Act 1996”; and
- (ii) after “warrant of arrest”, insert “issued on an application under section 47(8) of that Act”.