
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 8

PROCEDURE FOR MISCELLANEOUS APPLICATIONS

CHAPTER 8

**APPLICATIONS FOR ORDERS PREVENTING AVOIDANCE
UNDER SECTION 32L OF THE CHILD SUPPORT ACT 1991**

Scope of this Chapter

8.35. Subject to rule 8.40, the rules in this Chapter apply to applications made under section 32L (1) and (2) of the 1991 Act⁽¹⁾.

Interpretation

8.36. In this Chapter—

- “child support maintenance” has the meaning assigned to it in section 3(6) of the 1991 Act⁽²⁾;
- “reviewable disposition” has the meaning assigned to it in section 32L(5) of the 1991 Act.

Where to start proceedings

8.37.—(1) The application must be made to the High Court and be filed in—

- (a) the principal registry ; or
- (b) any district registry.

(2) The application may be heard by a judge but not a district judge except —

- (a) a district judge of the principal registry of the Family Division; or
- (b) a district judge in a district registry who is directed by a judge to hear the application.

(Section 32L(10)(a) of the 1991 Act defines “court” for the purposes of section 32L as being the High Court only.)

Who the parties are

8.38.—(1) The applicant to the proceedings is the Commission and the respondent is the person who has failed to pay child support maintenance.

(2) The court may at any time direct that —

- (a) any person be made a party to proceedings; or

(1) Section 32L was inserted by section 24 of the Child Maintenance and Other Payments Act 2008 (c.6).
(2) Section 3(6) was amended by section 1(2) of the Child Support, Pensions and Social Security Act 2000.

- (b) a party be removed from the proceedings.

Service of the application

8.39.—(1) The applicant must serve the application and a copy of the applicant’s written evidence on—

- (a) any respondent;
- (b) the person in whose favour the reviewable disposition is alleged to have been made; and
- (c) such other persons as the court directs.

(2) Where an application includes an application relating to land, the applicant must serve a copy of the application on any —

- (a) mortgagee;
- (b) trustee of a trust of land or settlement; and
- (c) other person who has an interest in the land,

of whom particulars are given in the application.

(3) Any person served under paragraph (2) may make a request to the court in writing, within 14 days beginning with the date of service of the application, for a copy of the applicant’s written evidence.

(4) Any person who —

- (a) is served with copies of the application and the applicant’s written evidence under paragraph (1); or
- (b) receives a copy of the applicant’s written evidence following a request under paragraph (3),

may, within 14 days beginning with the date of service or receipt, file a statement in answer.

(5) A statement in answer filed under paragraph (4) must be verified by a statement of truth.

Applications without notice

8.40.—(1) This rule applies to an application under section 32L(1) of the 1991 Act.

(2) The court may grant an application made without notice if it appears to the court that there are good reasons for not giving notice.

(3) If the applicant makes an application without giving notice, the evidence in support of the application must state the reasons why notice has not been given.

(4) If the court grants an application under paragraph (2)—

- (a) the order must include a provision allowing any respondent to apply to the court for an order to be reconsidered as soon as just and convenient at a full hearing; and
- (b) the applicant must, as soon as reasonably practicable, serve upon each respondent a copy of the order and a copy of the written evidence in support of the application.