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STATUTORY INSTRUMENTS

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**1991 No. 1991 (L.32)**

**MAGISTRATES' COURTS**

**The Family Proceedings Courts  
(Matrimonial Proceedings etc.) Rules 1991**

*Made - - - - 31st August 1991*  
*Laid before Parliament 16th September 1991*  
*Coming into force in accordance with article 1*

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:

**PART I**  
**INTRODUCTORY**

**Citation, commencement and transitional**

**1. –**

(1) These Rules may be cited as the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991 and shall come into force on 14th October 1991 except that paragraph 3(7) of Schedule 2 to these Rules shall come into force on 7th October 1991.

(2) Nothing in these Rules shall affect any proceedings which are pending (within the meaning of paragraph 1 of Schedule 14 to the Children Act 1989(2)) immediately before these Rules come into force.

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(1) 1980 c. 43, as extended by sections 74 and 145 of that Act; by section 6(9) of the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), as substituted by section 10 of the Matrimonial and Family Proceedings Act 1984 (c. 42); by section 16(6) of the Domestic Proceedings and Magistrates' Courts Act 1978 as amended by paragraph 21 of Schedule 18 to the Courts and Legal Services Act 1990 (c. 41); by section 16(8) of the Domestic Proceedings and Magistrates' Courts Act 1978; by section 28 of the Justices of the Peace Act 1979 (c. 55), as amended by section 117 of the Courts and Legal Services Act 1990; by section 35(3)(bb) of the Justices of the Peace Act 1979, as inserted by section 10(3)(b) of the Courts and Legal Services Act 1990; by sections 10 and 24 of the Child Abduction and Custody Act 1985 (c. 60); by sections 27, 39 and 42(1) of the Family Law Act 1986 (c. 55); 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) 1989 c. 41.

## PART II

### MATRIMONIAL PROCEEDINGS UNDER THE DOMESTIC PROCEEDINGS AND MAGISTRATES' COURTS ACT 1978

#### Interpretation, application and savings

2. –

(1) In this Part of these Rules, unless a contrary intention appears–

any reference to a rule shall be construed as a reference to a rule contained in these Rules; and any reference in a rule to a paragraph shall be construed as a reference to a paragraph of that rule,

“application” means an application for an order made under or by virtue of the Act and “applicant” shall be construed accordingly,

“business day” means any day other than–

(a) a Saturday, Sunday, Christmas Day or Good Friday; or

(b) a bank holiday, that is to say, a day which is, or is to be observed as, a bank holiday or a holiday under the Banking and Financial Dealings Act 1971(3), in England and Wales,

“court” means a family proceedings court constituted in accordance with sections 66 and 67 of the Magistrates' Courts Act 1980(4) (save where section 16(5) of the Act applies) or, in respect of those proceedings prescribed in rule 25, a single justice who is a member of a family panel,

“directions appointment” means a hearing for directions under rule 6(1),

“family protection order” means an order under section 16 of the Act,

“file” means deposit with the justices' clerk,

“form” means a form in Schedule 1 to these Rules with such variation as the circumstances of the particular case may require,

“note” includes a record made by mechanical means,

“respondent” includes, as the case may be, more than one respondent,

“the Act” means the Domestic Proceedings and Magistrates' Courts Act 1978(5).

(2) Expressions used in this Part of these Rules have the meaning which they bear in the Act.

(3) This Part of these Rules shall not apply in relation to any such application or order as is referred to in paragraph 1 or 2 of Schedule 1 to the Domestic Proceedings and Magistrates' Courts Act 1978 (transitional provisions); and, accordingly, the Magistrates' Courts (Matrimonial Proceedings) Rules 1960(6) shall continue to apply in relation to any such application or order but with the following modification, that is to say, on any complaint made by virtue of paragraph 2(d) of the said Schedule 1 for the variation or revocation of a provision requiring access to a child to be given to a grandparent, rule 7 of the said Rules of 1960 shall be construed as applying to the complaint as it applies to a complaint made by virtue of section 8 of the Matrimonial Proceedings (Magistrates' Courts) Act 1960(7) and as if paragraph (5) of that rule included a reference to that grandparent.

(4) Subject to rule 1(2), the provisions of the Magistrates' Courts Rules 1981(8) shall have effect subject to this Part of these Rules.

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(3) 1971 c. 80.

(4) Sections 66 and 67 were amended by paragraph 8 of Schedule 11 to the Children Act 1989 (c. 41).

(5) 1978 c. 22.

(6) S.I. 1960/2229.

(7) 1960 c. 48.

(8) S.I. 1981/552.

## Applications

### 3. –

- (1) Subject to paragraphs (3) and (4), an applicant shall–
  - (a) file the application in the appropriate form in Schedule 1 to these Rules or, where there is no such form, in writing, together with sufficient copies for one to be served on the respondent, and
  - (b) save where section 16(6) of the Act applies, serve a copy of the application, endorsed in accordance with paragraph (2)(b), together with any notice attached under paragraph (2)(c), on the respondent at least 21 days and, in the case of an application under section 16, at least one day, prior to the date fixed under paragraph (2)(a).
- (2) On receipt of the documents filed under paragraph (1)(a), the justices' clerk shall–
  - (a) fix the date, time and place for a hearing or a directions appointment, which in the case of an application under section 16 shall be no later than 14 days after receipt of the application, allowing sufficient time for the applicant to comply with paragraph (1)(b),
  - (b) endorse the date, time and place so fixed upon the copies of the application filed by the applicant,
  - (c) in the case of an application under section 16, and save where subsection (6) of that section applies, attach to the application a notice in the appropriate form in Schedule 1 to these Rules which sets out the power of the court with regard to family protection orders, and
  - (d) return the copies to the applicant forthwith.
- (3) A court may proceed on an application made orally where it is made by virtue of section 6(4) of the Act and where an application is so made paragraph (1) shall not apply.
- (4) An application for an expedited order under section 16(6) of the Act may, with leave of the justices' clerk, be made ex parte in which case the applicant shall–
  - (a) file with the justices' clerk or the court the application at the time when the application is made or as directed by the justices' clerk, and
  - (b) serve a copy of the application on the respondent within 48 hours after the making of the order.

## Service

### 4. –

- (1) Where service of a document is required by these Rules it may be effected, unless the contrary is indicated–
  - (a) if the person to be served is not known by the person serving to be acting by solicitor–
    - (i) by delivering it to him personally, or
    - (ii) by delivering at, or by sending it by first-class post to, his residence or his last known residence, or
  - (b) if the person to be served is known by the person serving to be acting by solicitor–
    - (i) by delivering the document at, or sending it by first-class post to, the solicitor's address for service,
    - (ii) where the solicitor's address for service includes a numbered box at a document exchange, by leaving the document at that document exchange or at a document exchange which transmits documents on every business day to that document exchange, or

(iii) by sending a legible copy of the document by facsimile transmission to the solicitor's office.

(2) In this rule, "first-class post" means first-class post which has been pre-paid or in respect of which pre-payment is not required.

(3) A document shall, unless the contrary is proved, be deemed to have been served—

- (a) in the case of service by first-class post, on the second business day after posting, and
- (b) in the case of service in accordance with paragraph (1)(b)(ii), on the second business day after the day on which it is left at the document exchange.

(4) Save where section 16(6) of the Act applies, at or before the first directions appointment in, or hearing of, the proceedings, whichever occurs first, the applicant shall file a statement that service of a copy of the application has been effected on the respondent and the statement shall indicate—

- (a) the manner, date, time and place of service, or
- (b) where service was effected by post, the date, time and place of posting.

(5) In any proceedings under the Act, the justices' clerk or the court may direct that a requirement in this Part of these Rules to serve a document shall not apply or shall be effected in such manner as the justices' clerk or the court directs.

### **Answer to application**

5. Within 14 days of service of an application for an order under section 2, 6, 7 or 20 of the Act, the respondent shall file and serve on the parties an answer to the application in the appropriate form in Schedule 1 to these Rules.

### **Directions**

6. —

(1) In any proceedings under the Act, the justices' clerk or the court may, subject to paragraph (3), give, vary or revoke directions for the conduct of the proceedings, including—

- (a) the timetable for the proceedings;
- (b) varying the time within which or by which an act is required, by this Part of these Rules, to be done;
- (c) the service of documents; and
- (d) the submission of evidence;

and the justices' clerk shall, on receipt of an application, consider whether such directions need to be given.

(2) Where the justices' clerk or a single justice who is holding a directions appointment considers, for whatever reason, that it is inappropriate to give a direction on a particular matter, he shall refer the matter to the court which may give any appropriate direction.

(3) Directions under paragraph (1) may be given, varied or revoked either—

- (a) of the justices' clerk's or the court's own motion having given the parties notice of the intention to do so and an opportunity to attend and be heard or to make written representations,
- (b) on the written request of a party specifying the direction which is sought, which request has been filed and served on the other parties, or
- (c) on the written request of a party specifying the direction which is sought, to which the other parties consent and which they or their representatives have signed.

(4) In an urgent case, the request under paragraph (3)(b) may, with the leave of the justices' clerk or the court, be made—

- (a) orally,
- (b) without notice to the other parties, or
- (c) both as in sub-paragraph (a) and as in sub-paragraph (b).

(5) On receipt of a request under paragraph (3)(b) the justices' clerk shall fix a date for the hearing of the request and give not less than 2 days' notice to the parties of the date so fixed.

(6) On considering a request under paragraph (3)(c) the justices' clerk or the court shall either—

- (a) grant the request, whereupon the justices' clerk shall inform the parties of the decision, or
- (b) direct that a date be fixed for the hearing of the request, whereupon the justices' clerk shall fix such a date and give not less than 2 days' notice to the parties of the date so fixed.

(7) The justices' clerk or the court shall take a note of the giving, variation or revocation of a direction under this rule and serve, as soon as practicable, a copy of the note on any party who was not present at the giving, variation or revocation.

### **Timing of proceedings**

7. –

(1) Any period of time fixed by this Part of these Rules, or by any order or direction, for the doing of any act shall be reckoned in accordance with this rule.

(2) Where the period, being a period of 7 days or less, would include a day which is not a business day, that day shall be excluded.

(3) Where the time fixed for filing a document with the justices' clerk expires on a day on which the justices' clerk's office is closed, and for that reason the document cannot be filed on that day, the document shall be filed in time if it is filed on the next day on which the justices' clerk's office is open.

(4) Where these Rules provide a period of time within which or by which a certain act is to be performed in the course of proceedings under the Act, that period may not be extended otherwise than by a direction of the justices' clerk or the court under rule 6(1).

(5) At the—

- (a) postponement or adjournment of any hearing or directions appointment in the course of proceedings under the Act, or
- (b) conclusion of any such hearing or directions appointment other than one at which the proceedings are determined, or as soon thereafter as is practicable,

the justices' clerk or the court shall—

- (i) fix a date upon which the proceedings shall come before the justices' clerk or the court again for such purposes as the justices' clerk or the court directs, and
- (ii) give notice to the parties of the date so fixed.

### **Attendance at directions appointment and hearing**

8. –

(1) Subject to paragraph (2), a party shall attend a directions appointment of which he has been given notice in accordance with rule 6(3) unless the justices' clerk or the court otherwise directs.

(2) Without prejudice to section 16(6) of the Act, and subject to rules 18(2) and 22(2), the court shall not begin to hear an application in the absence of the respondent unless—

- (a) it is proved to the satisfaction of the court that he received reasonable notice of the date of the hearing; or
  - (b) the court is satisfied that the circumstances of the case justify proceeding with the hearing.
- (3) Where, at the time and place appointed for a hearing, the respondent appears but the applicant does not, the court may refuse the application or, if sufficient evidence has previously been received, proceed in the absence of the applicant.
- (4) Where at the time and place appointed for a hearing neither the applicant nor the respondent appears, the court may refuse the application.

### **Documentary evidence**

#### **9. –**

- (1) Subject to paragraph (4), in any proceedings under the Act the parties shall file and serve on the other parties–
- (a) written statements of the substance of the oral evidence which the party intends to adduce at a hearing of, or a directions appointment in, those proceedings, which shall–
    - (i) be dated,
    - (ii) be signed by the person making the statement, and
    - (iii) contain a declaration that the maker of the statement believes it to be true and understands that it may be placed before the court, and
  - (b) copies of any documents upon which the party intends to rely at a hearing of, or a directions appointment in, those proceedings,

at or by such time as the justices' clerk or the court directs or, in the absence of a direction, before the hearing or appointment.

(2) A party may, subject to any direction of the justices' clerk or the court about the timing of statements under this rule, file and serve on the parties a statement which is supplementary to a statement served under paragraph (1).

(3) At a hearing or directions appointment a party may not, without the leave of the justices' clerk in the case of a directions appointment, or the court–

- (a) adduce evidence, or
- (b) seek to rely on a document,

in respect of which he has failed to comply with the requirements of paragraph (1).

### **Amendment**

#### **10. –**

(1) Subject to rule 9(2), a copy of a document which has been filed or served in any proceedings under the Act may not be amended without the leave of the justices' clerk or the court which shall, unless the justices' clerk or the court otherwise directs, be requested in writing.

(2) On considering a request for leave to amend a document the justices' clerk or the court shall either–

- (a) grant the request, whereupon the justices' clerk shall inform the person making the request of that decision, or
- (b) invite the parties or any of them to make representations, within a specified period, as to whether such an order should be made.

(3) A person amending a document shall file it with the justices' clerk and serve it on those persons on whom it was served prior to amendment; and the amendments shall be identified.

### **Oral evidence**

**11.** The justices' clerk or the court shall keep a note of the substance of the oral evidence given at a hearing of, or directions appointment in, proceedings under the Act.

### **Hearing**

**12.** –

(1) Before the hearing, the justice or justices who will be dealing with the case shall read any documents which have been filed under rule 9 in respect of the hearing.

(2) The justices' clerk at a directions appointment or the court at a hearing or directions appointment, may give directions as to the order of speeches and evidence.

(3) Subject to directions under paragraph (2), at a hearing of, or directions appointment in, proceedings under the Act, the parties shall adduce their evidence in the following order–

- (a) the applicant,
- (b) the respondent other than the child, and
- (c) the child if he is a respondent.

(4) After the final hearing of proceedings under the Act, the court shall make its decision as soon as is practicable.

(5) Before the court makes an order or refuses an application, the justices' clerk shall record in writing–

- (a) the names of the justice or justices constituting the court by which the decision is made, and
- (b) in consultation with the justice or justices, the reasons for the court's decision and any findings of fact.

(6) When making an order or when refusing an application, the court, or one of the justices constituting the court by which the decision is made, shall state any findings of fact and the reasons for the court's decision.

(7) After the court announces its decision, the justices' clerk shall as soon as practicable–

- (a) make a record of any order made in the appropriate form in Schedule 1 to these Rules, or, where there is no such form, in writing; and
- (b) serve, in accordance with these Rules, a copy of any order made on the parties to the proceedings.

(8) The justices' clerk shall supply a copy of the record of the reasons for a decision made in pursuance of paragraph (5)(b) to any person on request, if satisfied that it is required in connection with an appeal or possible appeal.

### **Costs**

**13.** –

(1) In any proceedings under the Act, the court may, at any time during the proceedings, make an order that a party pay the whole or any part of the costs of any other party.

(2) A party against whom the court is considering making a costs order shall have an opportunity to make representations as to why the order should not be made.

### **Confidentiality of documents**

**14.** No document, other than a record of an order, held by the court and relating to proceedings under the Act shall be disclosed other than to—

- (a) a party,
- (b) the legal representative of a party, or
- (c) the Legal Aid Board,

without leave of the justices' clerk or the court.

### **Delegation by justices' clerk**

**15.** —

(1) In this rule, “employed as a clerk in court” has the same meaning as in rule 2(1) of the Justices' Clerks (Qualifications of Assistants) Rules 1979(9).

(2) Anything authorised to be done by, to or before a justices' clerk under this Part of these Rules, or under paragraph 15 or 15D of the Schedule to the Justices' Clerks Rules 1970(10) as amended by Schedule 2 to these Rules, may be done instead by, to or before a person employed as a clerk in court where that person is appointed by the Magistrates' Courts Committee to assist him and where that person has been specifically authorised by the justices' clerk for that purpose.

(3) Any authorisation by the justices' clerk under paragraph (2) shall be recorded in writing at the time the authority is given or as soon as practicable thereafter.

### **Application of enactments governing procedure in proceedings brought on complaint**

**16.** —

(1) Section 53(3) of the Magistrates' Courts Act 1980(11) (orders with the consent of the defendant without hearing evidence) shall apply to applications under section 20 of the Act for the variation of orders for periodical payments, as it applies to complaints for the variation of the rate of any periodical payments ordered by a magistrates' court to be made.

(2) Section 97 of the Magistrates' Courts Act 1980 (issue of a witness summons) shall apply to proceedings under the Act as it applies to a hearing of a complaint under that section.

### **Orders made under section 6 in the absence of the respondent**

**17.** For the purposes of subsection (9)(a), (b) and (c) of section 6 of the Act, evidence of the consent of the respondent to the making of the order, of the financial resources of the respondent and of the financial resources of the child shall be by way of a written statement in the appropriate form in Schedule 1 to these Rules signed by the respondent or, where the application is in respect of financial provision for a child and the child has completed the appropriate form, the child.

### **Application under section 7**

**18.** —

(1) Where, under subsection (4) of section 7 of the Act, a court decides to treat an application under section 7 as if it were an application for an order under section 2 of the Act, the court shall indicate orally which of grounds (a) and (b) in that subsection it considers applicable and a memorandum of the decision and the grounds therefor shall be entered in the court's register.

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(9) S.I. 1979/570, amended by 1980/1897.

(10) S.I. 1970/231, amended by 1975/300, 1976/1767, 1978/754, 1983/527 and 1991/1395.

(11) 1980 c. 43.



(2) Where a court decides as aforesaid and the respondent is not then present or represented in court, or the respondent or his representative does not then agree to the continuance of the hearing, the court shall adjourn the hearing and the justices' clerk shall serve notice of the decision and the grounds therefor on the respondent in the appropriate form in Schedule 1 to these Rules.

### **Respondent on application under section 20 or section 20A**

#### **19. –**

(1) The respondent on an application for the variation or revocation of an order under section 20 of the Act shall be the party to the marriage in question other than the applicant and, where the order requires payments to be made to or in respect of a child who is 16 years of age or over, that child.

(2) The respondents on an application for the revival of an order under section 20A of the Act shall be the parties to the proceedings leading to the order which it is sought to have revived.

### **Family protection orders**

#### **20. –**

(1) Where an application has been made to a court for an order under section 16 of the Act and the applicant makes a statement to the justices' clerk, either orally or in writing, to the effect that there is imminent danger of physical injury to the applicant or a child of the family, the justices' clerk shall take such steps as may be necessary to ensure that the court considers as soon as practicable whether or not to exercise its power to make an expedited order under section 16(2) and (6) of that Act.

(2) Where a court makes an expedited order under section 16(2) and (6) of the Act, the justices' clerk shall serve notice of the making of the order on the respondent by causing a copy of the order to be delivered to the respondent personally, subject to any direction of the court.

(3) Where a court makes an order under section 16 of the Act to which a power of arrest is attached, the justices' clerk shall cause a copy of the order to be sent to the officer for the time being in charge of any police station for the address at which the person who applied for the order resides.

(4) Where a court makes an order under section 17(1) of the Act, varying or revoking any order under section 16 of the Act to which a power of arrest is attached, the justices' clerk shall cause a copy of the order under section 17(1) to be sent to the officer for the time being in charge of the police station to which a copy of the order under section 16 was sent in pursuance of paragraph (3) and, if the person who applied for the order under section 16 has since changed address, any police station for the new address.

(5) In the case of an expedited order, a copy thereof shall not be sent to the police in pursuance of paragraph (3) until notice of the making of the order has been served on the respondent in accordance with paragraph (2) and the justices' clerk shall, before sending it to the police, enter on it an endorsement in the appropriate form in Schedule 1 to these Rules indicating that it has been so served and the date on which the order takes effect.

(6) Where a copy of an expedited order is sent to the police in pursuance of paragraph (3), a copy of the order and its endorsement shall also be sent by the justices' clerk to the person who applied for the order.

(7) Where, by virtue of section 16(8)(b) of the Act, an expedited order to which a power of arrest is attached expires on the date of the commencement of the hearing by a court of an application for an order under section 16 of that Act, the justices' clerk shall cause notice of the expiry to be sent to the officer for the time being in charge of the police station to which a copy of the order was sent in pursuance of paragraph (3).

### **Powers of arrest and warrants of arrest under section 18**

21. A power of arrest which, under section 18(1) of the Act, is attached to an order under section 16 of the Act, and a warrant of arrest issued under section 18(4) of the Act, shall be in the appropriate form in Schedule 1 to these Rules.

### **Proceedings by or against a person outside England and Wales for variation or revocation of orders under section 20**

22. –

(1) The jurisdiction conferred on a court by virtue of section 20 of the Act shall, subject to the provisions of this rule, be exercisable even though the proceedings are brought by or against a person residing outside England and Wales.

(2) Subject to paragraph (3), where a court is satisfied that the respondent has been outside England and Wales for the whole of the period beginning one month before the making of the application and ending with the date of the hearing, it may proceed with an application made under section 20 of the Act provided that–

- (a) the applicant has taken steps to notify the respondent of the making of the application and of the time and place appointed for the hearing by–
  - (i) causing a notice in writing to that effect to be delivered to the respondent;
  - (ii) causing a notice in writing to that effect to be sent by post addressed to the respondent at his last known or usual place of abode or at his place of business or at such other address at which there is ground for believing that it will reach the respondent, in accordance with directions given for the purpose by a justice acting for the same petty sessions area as that of the court; or
  - (iii) causing a notice to that effect to be inserted in one or more newspapers, in accordance with directions given as aforesaid; and
- (b) it is reasonable in all the circumstances to proceed in the absence of the respondent.

(3) The court shall not make the order for which the application is made unless it is satisfied that during the period of 6 months immediately preceding the making of the application the respondent was continuously outside England and Wales or was not in England and Wales on more than 30 days and that, having regard to any communication to the court in writing purporting to be from the respondent, it is reasonable in all the circumstances to do so.

(4) A court shall not exercise its powers under section 20 of the Act so as to increase the amount of any periodical payments required to be made by any person under the Act unless the order under that section is made at a hearing at which that person appears or a statement has been filed under rule 4(4) that service of a copy of the application has been effected on the respondent.

(5) Paragraph (1) of rule 67 of the Magistrates' Courts Rules 1981(12) shall apply for the purpose of proving the delivery of a written notice in pursuance of paragraph (2)(a)(i) as it applies for the purpose of proving the service of a summons. In relation to a solemn declaration made outside the United Kingdom, paragraph (1) of the said rule 67, as applied by this paragraph, shall have effect as if for the reference to the authorities mentioned in the said paragraph (1) there were substituted a reference to a consular officer of Her Majesty's Government in the United Kingdom or any person for the time being authorised by law, in the place where the declarant is, to administer an oath for any judicial or other legal purpose.

(6) Paragraph (2) of the said rule 67 shall apply for the purpose of proving the sending of a written notice in pursuance of paragraph (2)(a)(ii) or the insertion of a notice in a newspaper in pursuance of paragraph (2)(a)(iii) as it applies for the purpose of proving the service of any process, provided, as

respects the insertion of a notice in a newspaper, that a copy of the newspaper containing the notice is annexed to the certificate.

### **Entries in court's registers**

#### **23. –**

(1) Where the justices' clerk receives notice of any direction made by the High Court or a county court under section 28 of the Act by virtue of which an order made by the court under the Act ceases to have effect, particulars thereof shall be entered in the court's register.

(2) Where the hearing of an application under section 2 of the Act is adjourned after the court has decided that it is satisfied of any ground mentioned in section 1 and the parties to the proceedings agree to the resumption of the hearing in accordance with section 31 by a court which includes justices who were not sitting when the hearing began, particulars of the agreement shall be entered in the court's register.

### **Notification of orders made under section 17(1)**

**24.** Where a court makes an order under section 17(1) of the Act varying or revoking an order made by another court under section 16 for the protection of a party to a marriage or a child of the family, the justices' clerk shall send a copy thereof to the justices' clerk of the court which made the order under section 16.

### **Proceedings with respect to which a single justice may discharge the functions of a court**

**25.** The following proceedings are prescribed as proceedings with respect to which a single justice may discharge the functions of a court, that is to say, proceedings—

- (a) under section 16(6) of the Act, and
- (b) in accordance with rules 3, 4, 6 (save for paragraph (2) thereof) 7 to 14 and 20(2).

## **PART III**

### **CONSEQUENTIAL AND MINOR AMENDMENTS 26.**

**26.** The consequential and minor amendments set out in Schedule 2 to these Rules shall have effect.

## **PART IV**

### **REVOCATIONS**

**27.** The revocations set out in Schedule 3 to these Rules shall have effect.

Dated 31st August 1991

*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 1

Rule 2(1)

FORMS

FORM 1 APPLICATION FOR ORDER UNDER SECTION 2 (DPMC Act 1978)

Rule 3(1)(a)

In the.....Magistrates' Court

at.....

Date

Respondent

Address

The application of

Address  Tel. No.

*Note: If you are concerned about giving your address you may give an alternative address where papers can be served. However, you must notify the court of your actual address.*

who applies for an order under section 2 of the Domestic Proceedings and Magistrates' Courts Act 1978 on the ground(s) that the respondent-

- [(a) has failed to provide reasonable maintenance for the applicant]
- [(b) has failed to provide, or to make a proper contribution towards, reasonable maintenance for any child of the family]
- [(c) has behaved in such a way that the applicant cannot reasonably be expected to live with the respondent]
- [(d) has deserted the applicant]

If ground (c) is alleged indicate briefly below the circumstances alleged to support that ground

MAT. 1

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

My solicitor's address for service  
(if applicable) is

Tel.	
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Fax No.

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I declare that the information I have given is correct and complete to the best of my knowledge.

Signed

--

Date

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**What you (the applicant) must do next**

- fill in the attached Statement of Means of Applicant
- fill in your name in the appropriate box on the Notice of [Hearing] [Directions Appointment]
- take or send this form to the court with an extra copy for the respondent to be served. The top copy will be kept by the court and the other copy given or sent back to you for service
- you must then serve that copy of the form on the respondent according to the rules

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

**STATEMENT OF MEANS OF APPLICANT**

- Please complete all parts of the form which apply to you
- Continue on a separate sheet if necessary

**1 Personal details**

Surname

Forename(s)

Mr    Mrs    Miss    Ms    Other

Married    Single    Other (specify)

Age

Address

Postcode

**2 Dependants** *(people you support financially)*

Children living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Children not living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Amount of any maintenance being paid

**Other dependants**  
*(give details—including whether you have these responsibilities on a part-time basis)*

**3 Employment**

I am  employed as a

self employed as a

unemployed

a pensioner

My employer is  
*(State name and address)*

Jobs other than main job

Self employment annual turnover  £

I am not in arrears with my national insurance contributions, income tax and VAT

I am in arrears and I owe  £

Give details of contracts and other work in hand

Give details of any sums due in respect of work done

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

**4** Bank accounts and savings

(a) I have  bank or building society account(s)

Name of account	Average balance in a/c over last 6 months

(b) I have  savings account(s)

Name of account	Amount in account

When filling in sections 6, 7, and 9. Please give amounts on a weekly OR monthly basis. DO NOT put some weekly and some monthly figures.

**5** Property

- I live in  my own property  
 lodgings  
 jointly owned property  
 council property  
 privately rented property  
 other. Please state

Value of (jointly) owned property

£

**6** Income Amounts are per week/month\*  
 \* Delete as appropriate

My usual take home pay (including overtime, commission, bonuses etc)	£ <input type="text"/>
Income support	£ <input type="text"/>
Child benefit(s)	£ <input type="text"/>
Other state benefit(s)	£ <input type="text"/>
My pension(s)	£ <input type="text"/>
Others living in my home give me	£ <input type="text"/>
Other income (give details below)	
<input type="text"/>	£ <input type="text"/>
<input type="text"/>	£ <input type="text"/>
<input type="text"/>	£ <input type="text"/>
Total income	£ <input type="text"/>

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

**7 Expenses** (do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows: (do not include payments on any arrears).  
Amounts are per week/month.\* \*Delete as appropriate.

Mortgage (including second mortgage)	£
Rent	£
Community charge	£
Gas	£
Electricity	£
Water charges	£
TV rental and licence	£
HP repayments	£
Mail order	£
Housekeeping, food, school meals	£
Travelling expenses	£
Children's clothing & pocket money	£
Maintenance payments	£
Others (but not credit debt payments or court orders)	£
	£
	£
	£
<b>Total expenses</b>	£

**8 Court orders**

Court	Case No.	Amount outstanding	Payment per month

**9 Money you owe on essential bills**

Please state the amount of any arrears owing and the amount of any payments you make towards these arrears.

Payments are per week/month\* \*Delete as appropriate

	Total amount outstanding	Amount of payment
Rent	£	£
Mortgage	£	£
Community charge	£	£
Water Rates	£	£
Fuel debts: Gas	£	£
Electricity	£	£
Other	£	£
Maintenance arrears	£	£
<b>Total priority debts</b>	£	£

**10 Other commitments**

Give details of payments on any credit cards, other loans, storecards, loans from family etc.

	Total amount outstanding	Payment monthly
	£	£
	£	£
	£	£
	£	£
	£	£
	£	£
<b>Total</b>	£	£

**11 Declaration**

I declare that the details I have given above are true to the best of my knowledge

Signed

Dated \_\_\_\_\_



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

NOTICE OF A [HEARING] [DIRECTIONS APPOINTMENT]

The respondent must read this Notice as soon as this form is served on him/her

---

About the [Hearing] [Directions Appointment]

name of applicant (to be completed by applicant)

has made an application to the Court.

---

*To be completed by the court*

Case No.

The Court will hear this at

on

at

 o'clock

the time allowed is

Both the applicant and the respondent are hereby informed that, if there is a child of the family who is under the age of 18, the court shall not dismiss or make a final order on the application until it has been decided whether to exercise any of its powers under the Children Act 1989 with respect to the child.

---

What you (the respondent) must do

- There is a copy of the application and the applicant's statement of means with this Notice. Read the application and statement of means now. You do not have to fill in any part. You must complete the form of Answer including the Statement of Means of Respondent enclosed and follow the instructions on the first page of the Answer regarding service.

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

Rule 5

**RESPONDENT'S ANSWER**

In the.....Magistrates' Court

at .....

Case No.

(See the Notice of [Hearing]  
[Directions Appointment] for this  
number.)

Respondent's name and address

*These boxes to be completed by the respondent*

---

To the respondent:

You will get with this form a copy of

- a Notice of Hearing or Directions Appointment
- an application that has been made to the court
- the applicant's statement of means

Please

- read the Notice first
- then read the application and the applicant's statement of means
- answer the questions on this form and complete the attached Statement of Means of Respondent (which forms part of this Answer)

You must return this Answer including the Statement of Means of Respondent to the court and serve a copy on the applicant within 14 days from the date of service on you of this form.

---

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

(Respondent's Answer continued)

i. About the application

- Please
- read the application form before you answer the questions
  - continue on another sheet if there is not enough room, putting the number of the question on the sheet.

My full name is  
Put the surname last

My full address for  
service is

Do you have legal  
representation?

No

Yes

Please say who your solicitor is

Name

Address

Tel. No.

Fax

Do you accept that you should be a  
respondent in this application?

Yes

No

If no, you do not need to complete  
the rest of this form.

Please give reason and sign below

Do you intend to contest this  
application?

No

Yes

Give reason

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

(Respondent's Answer continued)

2. a. Is everything in the application true to the best of your knowledge?

Yes

No

Please explain

b. Is there anything else the Court should know about this application?

No

Yes

Please give details

c. Do you intend to make an application?

No

Yes

Please give details

3. I declare that the information I have given is true and correct to the best of my knowledge.

Date

Signed

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

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## STATEMENT OF MEANS OF RESPONDENT

- Please complete all parts of the form which apply to you
- Continue on a separate sheet if necessary

---

---

### 1 Personal details

Surname

Forename(s)

Mr    Mrs    Miss    Ms    Other

Married    Single    Other (specify)

Age

Address

Postcode

### 2 Dependants (people you support financially)

#### Children living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

#### Children not living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Amount of any maintenance being paid

#### Other dependants

(give details—including whether you have these responsibilities on a part-time basis)

### 3 Employment

I am  employed as a

self employed as a

unemployed

a pensioner

My employer is   
(State name and address)

Jobs other than main job

Self employment annual turnover  £

I am not in arrears with my national insurance contributions, income tax and VAT

I am in arrears and I owe  £

Give details of contracts and other work in hand

Give details of any sums due in respect of work done

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

**4** Bank accounts and savings

(a) I have  bank or building society account(s)

Name of account	Average balance in a/c over last 6 months

(b) I have  savings account(s)

Name of account	Amount in account

When filling in sections 6, 7, and 9. Please give amounts on a weekly OR monthly basis. DO NOT put some weekly and some monthly figures.

**5** Property

- I live in  my own property  
 lodgings  
 jointly owned property  
 council property  
 privately rented property  
 other. Please state

Value of (jointly) owned property

£

**6** Income Amounts are per week/month\*  
 \* Delete as appropriate

My usual take home pay (including overtime, commission, bonuses etc)	£ <input style="width: 100%; height: 20px;" type="text"/>
Income support	£ <input style="width: 100%; height: 20px;" type="text"/>
Child benefit(s)	£ <input style="width: 100%; height: 20px;" type="text"/>
Other state benefit(s)	£ <input style="width: 100%; height: 20px;" type="text"/>
My pension(s)	£ <input style="width: 100%; height: 20px;" type="text"/>
Others living in my home give me	£ <input style="width: 100%; height: 20px;" type="text"/>
Other income (give details below)	£ <input style="width: 100%; height: 20px;" type="text"/>
<input style="width: 100%; height: 20px;" type="text"/>	£ <input style="width: 100%; height: 20px;" type="text"/>
<input style="width: 100%; height: 20px;" type="text"/>	£ <input style="width: 100%; height: 20px;" type="text"/>
<input style="width: 100%; height: 20px;" type="text"/>	£ <input style="width: 100%; height: 20px;" type="text"/>
Total income	£ <input style="width: 100%; height: 20px;" type="text"/>

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

**7 Expenses** (do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows: (do not include payments on any arrears).  
Amounts are per week/month.\* \*Delete as appropriate.

Mortgage (including second mortgage)	£
Rent	£
Community charge	£
Gas	£
Electricity	£
Water charges	£
TV rental and licence	£
HP repayments	£
Mail order	£
Housekeeping, food, school meals	£
Travelling expenses	£
Children's clothing & pocket money	£
Maintenance payments	£
Others (but not credit debt payments or court orders)	£
	£
	£
	£
<b>Total expenses</b>	£

**8 Court orders**

Court	Case No.	Amount outstanding	Payment per month

**9 Money you owe on essential bills**

Please state the amount of any arrears owing and the amount of any payments you make towards these arrears.

Payments are per week/month\* \*Delete as appropriate

	Total amount outstanding	Amount of payment
Rent	£	
Mortgage	£	
Community charge	£	
Water Rates	£	
Fuel debts: Gas	£	
Electricity	£	
Other	£	
Maintenance arrears	£	
<b>Total priority debts</b>	£	

**10 Other commitments**

Give details of payments on any credit cards, other loans, storecards, loans from family etc.

	Total amount outstanding	Payment monthly
£		
£		
£		
£		
£		
£		
<b>Total</b>	£	

**11 Declaration**

I declare that the details I have given above are true to the best of my knowledge

Signed

Dated \_\_\_\_\_

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

Rule 3(1)(a)

In the.....Magistrates' Court

at.....

Date

Respondent

Address

The application of

Address  Tel. No.

*Note: If you are concerned about giving your address you may give an alternative address where papers can be served. However, you must notify the court of your actual address.*

who applies for an order for financial provision under section 6 of the Domestic Proceedings and Magistrates' Courts Act 1978 on the ground that s/he/the respondent has agreed to:-

[the making of periodical payments to the applicant/respondent to the amount of £                      per                      for a term of                      beginning on                      ]

[the payment of a lump sum to the applicant/respondent to the amount of £                      ]

[the making of periodical payments to (being a child of the family)/the applicant/the respondent for the benefit of                      (being a child of the family) to the amount of £                      per                      for a term of                      beginning on                      ]

[the payment of a lump sum to                      (being a child of the family)/the applicant/the respondent for the benefit of                      (being a child of the family) to the amount of £                      ]

MAT. 2



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

My solicitor's address for service  
(if applicable) is

Tel.	
------	--

Fax No.

--

I declare that the information I have given is correct and complete to the best of my knowledge.

Signed

--

Date

--

**What you (the applicant) must do next**

- fill in the attached Statement of Means of Applicant
- fill in your name in the appropriate box on the Notice of [Hearing] [Directions Appointment]
- take or send this form to the court with an extra copy for the respondent to be served. The top copy will be kept by the court and the other copy given or sent back to you for service
- you must then serve that copy of the form on the respondent according to the rules

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

**STATEMENT OF MEANS OF APPLICANT**

- Please complete all parts of the form which apply to you
- Continue on a separate sheet if necessary

**1 Personal details**

Surname

Forename(s)

Mr  Mrs  Miss  Ms  Other

Married  Single  Other (specify)

Age

Address

Postcode

**2 Dependants** *(people you support financially)*

Children living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Children not living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>
Amount of any maintenance being paid	
<input type="text"/>	

Other dependants  
*(give details—including whether you have these responsibilities on a part-time basis)*

**3 Employment**

I am  employed as a

self employed as a

unemployed

a pensioner

My employer is  
*(State name and address)*

Jobs other than main job

Self employment annual turnover  £

I am not in arrears with my national insurance contributions, income tax and VAT

I am in arrears and I owe  £

Give details of contracts and other work in hand

Give details of any sums due in respect of work done

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

**4** Bank accounts and savings

(a) I have  bank or building society account(s)

Name of account	Average balance in a/c over last 6 months

(b) I have  savings account(s)

Name of account	Amount in account

When filling in sections 6, 7, and 9. Please give amounts on a weekly OR monthly basis. DO NOT put some weekly and some monthly figures.

**5** Property

- I live in  my own property  
 lodgings  
 jointly owned property  
 council property  
 privately rented property  
 other. Please state

Value of (jointly) owned property

**6** Income Amounts are per week/month\*  
 \* Delete as appropriate

My usual take home pay (including overtime, commission, bonuses etc)	£
Income support	£
Child benefit(s)	£
Other state benefit(s)	£
My pension(s)	£
Others living in my home give me	£
Other income (give details below)	
<input type="text"/>	£
<input type="text"/>	£
<input type="text"/>	£
Total income	£

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

**7 Expenses** (do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows: (do not include payments on any arrears)  
Amounts are per week/month.\* \*Delete as appropriate.

Mortgage (including second mortgage)	£
Rent	£
Community charge	£
Gas	£
Electricity	£
Water charges	£
TV rental and licence	£
HP repayments	£
Mail order	£
Housekeeping, food, school meals	£
Travelling expenses	£
Children's clothing & pocket money	£
Maintenance payments	£
Others (but not credit debt payments or court orders)	£
	£
	£
	£
<b>Total expenses</b>	£

**8 Court orders**

Court	Case No.	Amount outstanding	Payment per month

**9 Money you owe on essential bills**

Please state the amount of any arrears owing and the amount of any payments you make towards these arrears.

Payments are per week/month\* \*Delete as appropriate

	Total amount outstanding	Amount of payment
Rent	£	
Mortgage	£	
Community charge	£	
Water Rates	£	
Fuel debts: Gas	£	
Electricity	£	
Other	£	
Maintenance arrears	£	
<b>Total priority debts</b>	£	

**10 Other commitments**

Give details of payments on any credit cards, other loans, storecards, loans from family etc.

	Total amount outstanding	Payment monthly
	£	
	£	
	£	
	£	
	£	
	£	
<b>Total</b>	£	

**11 Declaration**

I declare that the details I have given above are true to the best of my knowledge

Signed

Dated

---

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

NOTICE OF A [HEARING] [DIRECTIONS APPOINTMENT]

The respondent must read this Notice as soon as this form is served on him/her

---

About the [Hearing] [Directions Appointment]

name of applicant (to be completed by applicant)

has made an application to the Court.

---

*To be completed by the court*

Case No.

The Court will hear this at

on

at

 o'clock

the time allowed is

Both the applicant and the respondent are hereby informed that, if there is a child of the family who is under the age of 18, the court shall not dismiss or make a final order on the application until it has been decided whether to exercise any of its powers under the Children Act 1989 with respect to the child.

---

What you (the respondent) must do

- There is a copy of the application and the applicant's statement of means with this Notice. Read the application and statement of means now. You do not have to fill in any part. You must complete the form of Answer including the Statement of Means of Respondent enclosed and follow the instructions on the first page of the Answer regarding service.

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

Rule 5

**RESPONDENT'S ANSWER**

In the.....Magistrates' Court

at .....

Case No.

(See the Notice of [Hearing]  
[Directions Appointment] for this  
number.)

Respondent's name and address

*These boxes to be completed by the respondent*

To the respondent:

You will get with this form a copy of

- a Notice of Hearing or Directions Appointment
- an application that has been made to the court
- the applicant's statement of means

Please

- read the Notice first
- then read the application and the applicant's statement of means
- answer the questions on this form and complete the attached Statement of Means of Respondent (which forms part of this Answer)

You must return this Answer including the Statement of Means of Respondent to the court and serve a copy on the applicant within 14 days from the date of service on you of this form.

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

(Respondent's Answer continued)

1. About the application

- Please
- read the application form before you answer the questions
  - continue on another sheet if there is not enough room, putting the number of the question on the sheet.

My full name is  
Put the surname last

My full address for  
service is

Do you have legal  
representation?

No

Yes

Please say who your solicitor is

Name

Address

Tel. No.

Fax

Do you accept that you should be a  
respondent in this application?

Yes

No

If no, you do not need to complete  
the rest of this form.

Please give reason and sign below

Do you intend to contest this  
application?

No

Yes

Give reason

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

(Respondent's Answer continued)

2. a. Is everything in the application true to the best of your knowledge?

Yes

No

Please explain

b. Is there anything else the Court should know about this application?

No

Yes

Please give details

c. Do you intend to make an application?

No

Yes

Please give details

3. I declare that the information I have given is true and correct to the best of my knowledge.

Date

Signed



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

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### STATEMENT OF MEANS OF RESPONDENT

- Please complete all parts of the form which apply to you
- Continue on a separate sheet if necessary

---

---

#### 1 Personal details

Surname

Forename(s)

Mr    Mrs    Miss    Ms    Other

Married    Single    Other (specify)

Age

Address

Postcode

#### 2 Dependants (people you support financially)

Children living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Children not living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Amount of any maintenance being paid

Other dependants  
(give details—including whether you have these responsibilities on a part-time basis)

#### 3 Employment

I am  employed as a

self employed as a

unemployed

a pensioner

My employer is  
(State name and address)

Jobs other than main job

Self employment annual turnover  £

I am not in arrears with my national insurance contributions, income tax and VAT

I am in arrears and I owe  £

Give details of contracts and other work in hand

Give details of any sums due in respect of work done

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

**4** Bank accounts and savings

(a) I have  bank or building society account(s)

Name of account	Average balance in a/c over last 6 months

(b) I have  savings account(s)

Name of account	Amount in account

When filling in sections 6, 7, and 9. Please give amounts on a weekly OR monthly basis. DO NOT put some weekly and some monthly figures.

**5** Property

- I live in  my own property  
 lodgings  
 jointly owned property  
 council property  
 privately rented property  
 other. Please state
- 

Value of (jointly) owned property  £

**6** Income Amounts are per week/month\*  
 \* Delete as appropriate

My usual take home pay (including overtime, commission, bonuses etc)	£
Income support	£
Child benefit(s)	£
Other state benefit(s)	£
My pension(s)	£
Others living in my home give me	£
Other income (give details below)	£
<input style="width: 150px; height: 15px;" type="text"/>	£
<input style="width: 150px; height: 15px;" type="text"/>	£
<input style="width: 150px; height: 15px;" type="text"/>	£
<b>Total income</b>	£

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

**7 Expenses** (do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows: (do not include payments on any arrears)  
Amounts are per week/month.\* \*Delete as appropriate.

Mortgage (including second mortgage)	£
Rent	£
Community charge	£
Gas	£
Electricity	£
Water charges	£
TV rental and licence	£
HP repayments	£
Mail order	£
Housekeeping, food, school meals	£
Travelling expenses	£
Children's clothing & pocket money	£
Maintenance payments	£
Others (but not credit debt payments or court orders)	£
	£
	£
	£
Total expenses	£

**8 Court orders**

Court	Case No.	Amount outstanding	Payment per month

**9 Money you owe on essential bills**

Please state the amount of any arrears owing and the amount of any payments you make towards these arrears.

Payments are per week/month\* \*Delete as appropriate

	Total amount outstanding	Amount of payment
Rent	£	
Mortgage	£	
Community charge	£	
Water Rates	£	
Fuel debts: Gas	£	
Electricity	£	
Other	£	
Maintenance arrears	£	
Total priority debts	£	

**10 Other commitments**

Give details of payments on any credit cards, other loans, storecards, loans from family etc.

	Total amount outstanding	Payment monthly
	£	
	£	
	£	
	£	
	£	
	£	
	£	
Total	£	

**11 Declaration**

I declare that the details I have given above are true to the best of my knowledge

Signed

Dated

---

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

Rule 3(1)(a)

In the.....Magistrates' Court

at.....

Date

Respondent

Address

The application of

Address

Tel. No.

*Note: If you are concerned about giving your address you may give an alternative address where papers can be served. However, you must notify the court of your actual address*

who applies for an order for financial provision under section 7 of the Domestic Proceedings and Magistrates' Courts Act 1978, not exceeding the aggregate of the payments made to the applicant during the last three months; and states that he/she has been living apart from h..... husband/wife for a continuous period exceeding three months, neither of them have deserted the other, and that h..... husband/wife has been making periodical payments for [h..... benefit] [and] [the benefit of (name(s)) being a child/children of the family].

The aggregate amount of the payments made during the last three months is £.....

MAT. 3

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

My solicitor's address for service  
(if applicable) is

Tel.
------

Fax No.

--

I declare that the information I have given is correct and complete to the best of my knowledge.

Signed

--

Date

--

**What you (the applicant) must do next**

- fill in the attached Statement of Means of Applicant
- fill in your name in the appropriate box on the Notice of [Hearing] [Directions Appointment]
- take or send this form to the court with an extra copy for the respondent to be served. The top copy will be kept by the court and the other copy given or sent back to you for service
- you must then serve that copy of the form on the respondent according to the rules

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

**STATEMENT OF MEANS OF APPLICANT**

- Please complete all parts of the form which apply to you
- Continue on a separate sheet if necessary

**1 Personal details**

Surname

Forename(s)

Mr    Mrs    Miss    Ms    Other

Married    Single    Other (specify)

Age

Address

Postcode

**2 Dependants** *(people you support financially)*

Children living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Children not living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Amount of any maintenance being paid

**Other dependants**  
*(give details—including whether you have these responsibilities on a part-time basis)*

**3 Employment**

I am  employed as a

self employed as a

unemployed

a pensioner

My employer is  
*(State name and address)*

Jobs other than main job

Self employment annual turnover  £

I am not in arrears with my national insurance contributions, income tax and VAT

I am in arrears and I owe  £

Give details of contracts and other work in hand

Give details of any sums due in respect of work done

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

**4** Bank accounts and savings

(a) I have  bank or building society account(s)

Name of account	Average balance in a/c over last 6 months

(b) I have  savings account(s)

Name of account	Amount in account

When filling in sections 6, 7, and 9. Please give amounts on a weekly OR monthly basis. DO NOT put some weekly and some monthly figures.

**5** Property

- I live in  my own property  
 lodgings  
 jointly owned property  
 council property  
 privately rented property  
 other. Please state

Value of (jointly) owned property  £

**6** Income Amounts are per week/month\*  
 \* Delete as appropriate

My usual take home pay <i>(including overtime, commission, bonuses etc)</i>	£
Income support	£
Child benefit(s)	£
Other state benefit(s)	£
My pension(s)	£
Others living in my home give me	£
Other income <i>(give details below)</i>	
<input style="width: 100%; height: 100%;" type="text"/>	£
<input style="width: 100%; height: 100%;" type="text"/>	£
<input style="width: 100%; height: 100%;" type="text"/>	£
Total income	£

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

**7 Expenses** (do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows: (do not include payments on any arrears).  
Amounts are per week/month.\* \*Delete as appropriate.

Mortgage (including second mortgage)	£
Rent	£
Community charge	£
Gas	£
Electricity	£
Water charges	£
TV rental and licence	£
HP repayments	£
Mail order	£
Housekeeping, food, school meals	£
Travelling expenses	£
Children's clothing & pocket money	£
Maintenance payments	£
Others (but not credit debt payments or court orders)	£
	£
	£
	£
<b>Total expenses</b>	£

**8 Court orders**

Court	Case No.	Amount outstanding	Payment per month

**9 Money you owe on essential bills**

Please state the amount of any arrears owing and the amount of any payments you make towards these arrears.

Payments are per week/month\* \*Delete as appropriate

	Total amount outstanding	Amount of payment
Rent	£	£
Mortgage	£	£
Community charge	£	£
Water Rates	£	£
Fuel debts: Gas	£	£
Electricity	£	£
Other	£	£
Maintenance arrears	£	£
<b>Total priority debts</b>	£	£

**10 Other commitments**

Give details of payments on any credit cards, other loans, storecards, loans from family etc.

	Total amount outstanding	Payment monthly
	£	£
	£	£
	£	£
	£	£
	£	£
	£	£
<b>Total</b>	£	£

**11 Declaration**

I declare that the details I have given above are true to the best of my knowledge

Signed

Dated \_\_\_\_\_



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

NOTICE OF A [HEARING] [DIRECTIONS APPOINTMENT]

The respondent must read this Notice as soon as this form is served on him/her

---

About the [Hearing] [Directions Appointment]

name of applicant (to be completed by applicant)

has made an application to the Court.

---

*To be completed by the court*

Case No.

The Court will hear this at

on

at

 o'clock

the time allowed is

Both the applicant and the respondent are hereby informed that, if there is a child of the family who is under the age of 18, the court shall not dismiss or make a final order on the application until it has been decided whether to exercise any of its powers under the Children Act 1989 with respect to the child.

---

What you (the respondent) must do

- There is a copy of the application and the applicant's statement of means with this Notice. Read the application and statement of means now. You do not have to fill in any part. You must complete the form of Answer including the Statement of Means of Respondent enclosed and follow the instructions on the first page of the Answer regarding service.

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

Rule 5

**RESPONDENT'S ANSWER**

In the.....Magistrates' Court

at .....

Case No.

(See the Notice of [Hearing]  
[Directions Appointment] for this  
number.)

Respondent's name and address

*These boxes to be completed by the respondent*

To the respondent:

You will get with this form a copy of

- a Notice of Hearing or Directions Appointment
- an application that has been made to the court
- the applicant's statement of means

Please

- read the Notice first
- then read the application and the applicant's statement of means
- answer the questions on this form and complete the attached Statement of Means of Respondent (which forms part of this Answer)

**You must return this Answer including the Statement of Means of Respondent to the court and serve a copy on the applicant within 14 days from the date of service on you of this form.**

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

(Respondent's Answer continued)

1. About the application

- Please
- read the application form before you answer the questions
  - continue on another sheet if there is not enough room, putting the number of the question on the sheet.

My full name is  
Put the surname last

My full address for  
service is

Do you have legal  
representation?

No

Yes

Please say who your solicitor is

Name

Address

Tel. No.

Fax

Do you accept that you should be a  
respondent in this application?

Yes

No

If no, you do not need to complete  
the rest of this form.

Please give reason and sign below

Do you intend to contest this  
application?

No

Yes

Give reason

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

(Respondent's Answer continued)

2. a. Is everything in the application true to the best of your knowledge?

Yes

No

Please explain

b. Is there anything else the Court should know about this application?

No

Yes

Please give details

c. Do you intend to make an application?

No

Yes

Please give details

3. I declare that the information I have given is true and correct to the best of my knowledge.

Date

Signed

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

---

---

## STATEMENT OF MEANS OF RESPONDENT

- Please complete all parts of the form which apply to you
- Continue on a separate sheet if necessary

---

---

### 1 Personal details

Surname

Forename(s)

Mr    Mrs    Miss    Ms    Other

Married    Single    Other (specify)

Age

Address

Postcode

### 2 Dependants (people you support financially)

Children living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Children not living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Amount of any maintenance being paid

Other dependants

(give details—including whether you have these responsibilities on a part-time basis)

### 3 Employment

I am  employed as a

self employed as a

unemployed

a pensioner

My employer is   
(State name and address)

Jobs other than main job

Self employment annual turnover  £

I am not in arrears with my national insurance contributions, income tax and VAT

I am in arrears and I owe  £

Give details of contracts and other work in hand

Give details of any sums due in respect of work done

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

**4** Bank accounts and savings

(a) I have  bank or building society account(s)

Name of account	Average balance in a/c over last 6 months

(b) I have  savings account(s)

Name of account	Amount in account

When filling in sections 6, 7, and 9. Please give amounts on a weekly OR monthly basis. DO NOT put some weekly and some monthly figures.

**5** Property

- I live in  my own property  
 lodgings  
 jointly owned property  
 council property  
 privately rented property  
 other. Please state

Value of (jointly) owned property  £

**6** Income Amounts are per week/month\*  
 \* Delete as appropriate

My usual take home pay (including overtime, commission, bonuses etc)	£
Income support	£
Child benefit(s)	£
Other state benefit(s)	£
My pension(s)	£
Others living in my home give me	£
Other income (give details below)	£
<input style="width: 100%; height: 14px;" type="text"/>	£
<input style="width: 100%; height: 14px;" type="text"/>	£
<input style="width: 100%; height: 14px;" type="text"/>	£
Total income	£

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

**7 Expenses** (do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows: (do not include payments on any arrears)  
Amounts are per week/month.\* \*Delete as appropriate.

Mortgage (including second mortgage)	£
Rent	£
Community charge	£
Gas	£
Electricity	£
Water charges	£
TV rental and licence	£
HP repayments	£
Mail order	£
Housekeeping, food, school meals	£
Travelling expenses	£
Children's clothing & pocket money	£
Maintenance payments	£
Others (but not credit debt payments or court orders)	£
	£
	£
	£
<b>Total expenses</b>	£

**8 Court orders**

Court	Case No.	Amount outstanding	Payment per month

**9 Money you owe on essential bills**

Please state the amount of any arrears owing and the amount of any payments you make towards these arrears.

Payments are per week/month\* \*Delete as appropriate

	Total amount outstanding	Amount of payment
Rent	£	£
Mortgage	£	£
Community charge	£	£
Water Rates	£	£
Fuel debts: Gas	£	£
Electricity	£	£
Other	£	£
Maintenance arrears	£	£
<b>Total priority debts</b>	£	£

**10 Other commitments**

Give details of payments on any credit cards, other loans, storecards, loans from family etc.

	Total amount outstanding	Payment monthly
	£	£
	£	£
	£	£
	£	£
	£	£
<b>Total</b>	£	£

**11 Declaration**

I declare that the details I have given above are true to the best of my knowledge

Signed

Dated

---

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

Rule 3(1)(a)

In the.....Magistrates' Court

at.....

Date

Respondent

Address

The application of

Address

Tel. No.

*Note: If you are concerned about giving your address you may give an alternative address where papers can be served. However, you must notify the court of your actual address.*

who applies under section 20 of the Domestic Proceedings and Magistrates' Courts Act 1978 for an order

- [to [vary] [revoke] an order made under [section 2(1)(a)] [section 2(1)(b)] [section 2(1)(c)] [section 2(1)(d)]]
- [to [vary] [revoke] an order made under section 6]
- [for the payment of a lump sum [to the other party to the marriage] [to a child of the family] [to the other party to the marriage for the benefit of a child of the family]]
- [to [vary] [revoke] an order made under section 7]
- [to [vary] [revoke] an order made under section 19]



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

My solicitor's address for service  
(if applicable) is

Tel.	
------	--

Fax No.

--

I declare that the information I have given is correct and complete to the best of my knowledge.

Signed

--

Date

--

**What you (the applicant) must do next**

- fill in the attached Statement of Means of Applicant
- fill in your name in the appropriate box on the Notice of [Hearing] [Directions Appointment]
- take or send this form to the court with an extra copy for the respondent to be served. The top copy will be kept by the court and the other copy given or sent back to you for service
- you must then serve that copy of the form on the respondent according to the rules

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

**STATEMENT OF MEANS OF APPLICANT**

- Please complete all parts of the form which apply to you
- Continue on a separate sheet if necessary

**1 Personal details**

Surname

Forename(s)

Mr    Mrs    Miss    Ms    Other

Married    Single    Other (specify)

Age

Address

Postcode

**2 Dependants** *(people you support financially)*

Children living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Children not living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>
Amount of any maintenance being paid <input type="text"/>	

**Other dependants**  
*(give details—including whether you have these responsibilities on a part-time basis)*

**3 Employment**

I am  employed as a

self employed as a

unemployed

a pensioner

My employer is  
*(State name and address)*

Jobs other than main job

Self employment annual turnover  £

I am not in arrears with my national insurance contributions, income tax and VAT

I am in arrears and I owe  £

Give details of contracts and other work in hand

Give details of any sums due in respect of work done

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

**4** Bank accounts and savings

(a) I have  bank or building society account(s)

Name of account	Average balance in a/c over last 6 months

(b) I have  savings account(s)

Name of account	Amount in account

When filling in sections 6, 7, and 9. Please give amounts on a weekly OR monthly basis. DO NOT put some weekly and some monthly figures.

**5** Property

- I live in  my own property  
 lodgings  
 jointly owned property  
 council property  
 privately rented property  
 other. Please state

Value of (jointly) owned property

£

**6** Income Amounts are per week/month\*  
 \* Delete as appropriate

My usual take home pay (including overtime, commission, bonuses etc)	£
Income support	£
Child benefit(s)	£
Other state benefit(s)	£
My pension(s)	£
Others living in my home give me	£
Other income (give details below)	
<input style="width: 100%; height: 15px;" type="text"/>	£
<input style="width: 100%; height: 15px;" type="text"/>	£
<input style="width: 100%; height: 15px;" type="text"/>	£
Total income	£

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

**7 Expenses** (do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows: (do not include payments on any arrears).  
Amounts are per week/month\* \*Delete as appropriate.

Mortgage (including second mortgage)	£
Rent	£
Community charge	£
Gas	£
Electricity	£
Water charges	£
TV rental and licence	£
HP repayments	£
Mail order	£
Housekeeping, food, school meals	£
Travelling expenses	£
Children's clothing & pocket money	£
Maintenance payments	£
Others (but not credit debt payments or court orders)	£
	£
	£
	£
<b>Total expenses</b>	£

**8 Court orders**

Court	Case No.	Amount outstanding	Payment per month

**9 Money you owe on essential bills**

Please state the amount of any arrears owing and the amount of any payments you make towards these arrears.

Payments are per week/month\* \*Delete as appropriate

	Total amount outstanding	Amount of payment
Rent	£	£
Mortgage	£	£
Community charge	£	£
Water Rates	£	£
Fuel debts: Gas	£	£
Electricity	£	£
Other	£	£
Maintenance arrears	£	£
<b>Total priority debts</b>	£	£

**10 Other commitments**

Give details of payments on any credit cards, other loans, storecards, loans from family etc.

	Total amount outstanding	Payment monthly
	£	£
	£	£
	£	£
	£	£
	£	£
	£	£
<b>Total</b>	£	£

**11 Declaration**

I declare that the details I have given above are true to the best of my knowledge

Signed

Dated \_\_\_\_\_

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

NOTICE OF A [HEARING] [DIRECTIONS APPOINTMENT]

The respondent must read this Notice as soon as this form is served on him/her

---

About the [Hearing] [Directions Appointment]  
name of applicant (to be completed by applicant)

has made an application to the Court.

---

*To be completed by the court*

Case No.

The Court will hear this at

on

at

 o'clock

the time allowed is

---

What you (the respondent) must do

- There is a copy of the application and the applicant's statement of means with this Notice. Read the application and statement of means now. You do not have to fill in any part. You must complete the form of Answer including the Statement of Means of Respondent enclosed and follow the instructions on the first page of the Answer regarding service.

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

Rule 5

**RESPONDENT'S ANSWER**

In the.....Magistrates' Court

at .....

Case No.

(See the Notice of [Hearing]  
[Directions Appointment] for this  
number.)

Respondent's name and address

*These boxes to be completed by the respondent*

To the respondent:

You will get with this form a copy of

- a Notice of Hearing or Directions Appointment
- an application that has been made to the court
- the applicant's statement of means

Please

- read the Notice first
- then read the application and the applicant's statement of means
- answer the questions on this form and complete the attached Statement of Means of Respondent (which forms part of this Answer)

You must return this Answer including the Statement of Means of Respondent to the court and serve a copy on the applicant within 14 days from the date of service on you of this form.

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

(Respondent's Answer continued)

1. About the application

- Please
- read the application form before you answer the questions
  - continue on another sheet if there is not enough room, putting the number of the question on the sheet.

My full name is  
Put the surname last

My full address for  
service is

Do you have legal  
representation?

No

Yes

Please say who your solicitor is

Name

Address

Tel. No.

Fax

Do you accept that you should be a  
respondent in this application?

Yes

No

If no, you do not need to complete  
the rest of this form.

Please give reason and sign below

Do you intend to contest this  
application?

No

Yes

Give reason

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

(Respondent's Answer continued)

2. a. Is everything in the application true to the best of your knowledge?

Yes

No

Please explain

b. Is there anything else the Court should know about this application?

No

Yes

Please give details

c. Do you intend to make an application?

No

Yes

Please give details

3. I declare that the information I have given is true and correct to the best of my knowledge.

Date

Signed



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

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## STATEMENT OF MEANS OF RESPONDENT

- Please complete all parts of the form which apply to you
- Continue on a separate sheet if necessary

---

---

### 1 Personal details

Surname

Forename(s)

Mr  Mrs  Miss  Ms  Other

Married  Single  Other (specify)

Age

Address

Postcode

### 2 Dependants (people you support financially)

Children living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Children not living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Amount of any maintenance being paid

Other dependants

(give details—including whether you have these responsibilities on a part-time basis)

### 3 Employment

I am  employed as a

self employed as a

unemployed

a pensioner

My employer is   
(State name and address)

Jobs other than main job

Self employment annual turnover  £

I am not in arrears with my national insurance contributions, income tax and VAT

I am in arrears and I owe  £

Give details of contracts and other work in hand

Give details of any sums due in respect of work done

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

**4** Bank accounts and savings

(a) I have  bank or building society account(s)

Name of account	Average balance in a/c over last 6 months

(b) I have  savings account(s)

Name of account	Amount in account

When filling in sections 6, 7, and 9. Please give amounts on a weekly OR monthly basis. DO NOT put some weekly and some monthly figures.

**5** Property

- I live in  my own property  
 lodgings  
 jointly owned property  
 council property  
 privately rented property  
 other. Please state

Value of (jointly) owned property

£

**6** Income Amounts are per week/month\*  
 \* Delete as appropriate

My usual take home pay (including overtime, commission, bonuses etc)

£

Income support

£

Child benefit(s)

£

Other state benefit(s)

£

My pension(s)

£

Others living in my home give me

£

Other income (give details below)

£

<input type="text"/>
<input type="text"/>
<input type="text"/>

£

£

£

Total income

£

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

**7** Expenses (do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows: (do not include payments on any arrears).  
Amounts are per week/month.\* \*Delete as appropriate.

Mortgage (including second mortgage)	£
Rent	£
Community charge	£
Gas	£
Electricity	£
Water charges	£
TV rental and licence	£
HP repayments	£
Mail order	£
Housekeeping, food, school meals	£
Travelling expenses	£
Children's clothing & pocket money	£
Maintenance payments	£
Others (but not credit debt payments or court orders)	£
	£
	£
	£
Total expenses	£

**8** Court orders

Court	Case No.	Amount outstanding	Payment per month

**9** Money you owe on essential bills

Please state the amount of any arrears owing and the amount of any payments you make towards these arrears.

Payments are per week/month\* \*Delete as appropriate

	Total amount outstanding	Amount of payment
Rent	£	£
Mortgage	£	£
Community charge	£	£
Water Rates	£	£
Fuel debts: Gas	£	£
Electricity	£	£
Other	£	£
Maintenance arrears	£	£
Total priority debts	£	£

**10** Other commitments

Give details of payments on any credit cards, other loans, storecards, loans from family etc.

	Total amount outstanding	Payment monthly
£	£	£
£	£	£
£	£	£
£	£	£
£	£	£
£	£	£
Total	£	£

**11** Declaration

I declare that the details I have given above are true to the best of my knowledge

Signed

Dated

---

FORM 5 WRITTEN STATEMENT TO EVIDENCE THE CONSENT AND FINANCIAL RESOURCES OF THE RESPONDENT TO THE MAKING OF AN ORDER UNDER SECTION 6 (DPMC Act 1978, s. 6(9)(a) and (b))

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

Rule 17

Concerning the application made by (applicant's name) to be heard on (date)

\* I, (full name), hereby consent to the making of an order for financial provision under section 6 of the Domestic Proceedings and Magistrates' Courts Act 1978 in the terms set out in the application dated which I have received.

OR (if you are completing this form before an application is served)

\* I, (full name), hereby consent to the making of an order for financial provision under section 6 of the Domestic Proceedings and Magistrates' Courts Act 1978 in the following terms:-

[the making of periodical payments to me/the applicant to the amount of £ per for a term of beginning on ]

[the payment of a lump sum to me/the applicant to the amount £ (specify conditions of payment)]

[the making of periodical payments to (being a child of the family)/me/the applicant for the benefit of (being a child of the family) to the amount of £ per for a term of beginning on ]

[the payment of a lump sum to (being a child of the family)/me/the applicant for the benefit of (being a child of the family) to the amount of £ specify conditions of payment)]

\* Delete whichever is inappropriate

I (full name), declare that my financial resources are as indicated in the following statement of means:

MAT. 5

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

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---

STATEMENT OF MEANS OF RESPONDENT

- Please complete all parts of the form which apply to you
- Continue on a separate sheet if necessary

---

---

**1** Personal details

Surname

Forename(s)

Mr    Mrs    Miss    Ms    Other

Married    Single    Other (specify)

Age

Address

Postcode

**2** Dependants *(people you support financially)*

Children living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Children not living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Amount of any maintenance being paid

Other dependants

*(give details—including whether you have these responsibilities on a part-time basis)*

**3** Employment

I am  employed as a

self employed as a

unemployed

a pensioner

My employer is

*(State name and address)*

Jobs other than main job

Self employment annual turnover  £

I am not in arrears with my national insurance contributions, income tax and VAT

I am in arrears and I owe  £

Give details of contracts and other work in hand

Give details of any sums due in respect of work done

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

**4** Bank accounts and savings

(a) I have  bank or building society account(s)

Name of account	Average balance in a/c over last 6 months

(b) I have  savings account(s)

Name of account	Amount in account

When filling in sections 6, 7, and 9. Please give amounts on a weekly OR monthly basis. DO NOT put some weekly and some monthly figures.

**5** Property

- I live in  my own property  
 lodgings  
 jointly owned property  
 council property  
 privately rented property  
 other. Please state

Value of (jointly) owned property  £

**6** Income Amounts are per week/month\*  
 \* Delete as appropriate

My usual take home pay (including overtime, commission, bonuses etc)	£
Income support	£
Child benefit(s)	£
Other state benefit(s)	£
My pension(s)	£
Others living in my home give me	£
Other income (give details below)	£
<input type="text"/>	£
<input type="text"/>	£
<input type="text"/>	£
<input type="text"/>	£
<input type="text"/>	£
<input type="text"/>	£
Total income	£

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

**7** Expenses (do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows: (do not include payments on any arrears).  
Amounts are per week/month.\* \*Delete as appropriate.

Mortgage (including second mortgage)	£
Rent	£
Community charge	£
Gas	£
Electricity	£
Water charges	£
TV rental and licence	£
HP repayments	£
Mail order	£
Housekeeping, food, school meals	£
Travelling expenses	£
Children's clothing & pocket money	£
Maintenance payments	£
Others (but not credit debt payments or court orders)	£
	£
	£
	£
<b>Total expenses</b>	£

**8** Court orders

Court	Case No.	Amount outstanding	Payment per month

**9** Money you owe on essential bills

Please state the amount of any arrears owing and the amount of any payments you make towards these arrears.

Payments are per week/month\* \*Delete as appropriate

	Total amount outstanding	Amount of payment
Rent	£	
Mortgage	£	
Community charge	£	
Water Rates	£	
Fuel debts: Gas	£	
Electricity	£	
Other	£	
Maintenance arrears	£	
<b>Total priority debts</b>	£	

**10** Other commitments

Give details of payments on any credit cards, other loans, storecards, loans from family etc.

	Total amount outstanding	Payment monthly
	£	
	£	
	£	
	£	
	£	
	£	
<b>Total</b>	£	

**11** Declaration

I declare that the details I have given above are true to the best of my knowledge

Signed

Dated \_\_\_\_\_

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

Rule 17

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\* I, (full name) , declare that to the best of my knowledge and belief

{(full name of child) has no financial resources} [the financial resources of

(full name of child) are as follows:-]

OR (if the child is completing this form)

\* I, (full name) , declare that [I have no financial resources] [ my financial resources are as follows:-]

MAT. 6



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### STATEMENT OF MEANS OF CHILD

- Please complete all parts of the form which apply to you
- Continue on a separate sheet if necessary

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#### 1 Personal details

Surname

Forename(s)

Mr    Mrs    Miss    Ms    Other

Married    Single    Other (specify)

Age

Address

Postcode

#### 2 Dependants (people you support financially)

Children living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Children not living with you

Name(s)	Age
<input type="text"/>	<input type="text"/>

Amount of any maintenance being paid

Other dependants

(give details—including whether you have these responsibilities on a part-time basis)

#### 3 Employment

I am  employed as a

self employed as a

unemployed

a pensioner

My employer is   
(State name and address)

Jobs other than main job

Self employment annual turnover  £

I am not in arrears with my national insurance contributions, income tax and VAT

I am in arrears and I owe  £

Give details of contracts and other work in hand

Give details of any sums due in respect of work done

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

**4** Bank accounts and savings

(a) I have  bank or building society account(s)

Name of account	Average balance in a/c over last 6 months

(b) I have  savings account(s)

Name of account	Amount in account

When filling in sections 6, 7, and 9. Please give amounts on a weekly OR monthly basis. DO NOT put some weekly and some monthly figures.

**5** Property

- I live in  my own property  
 lodgings  
 jointly owned property  
 council property  
 privately rented property  
 other. Please state

Value of (jointly) owned property

£

**6** Income Amounts are per week/month\*  
 \* Delete as appropriate

My usual take home pay (including overtime, commission, bonuses etc)	£ <input style="width: 100%; height: 20px;" type="text"/>
Income support	£ <input style="width: 100%; height: 20px;" type="text"/>
Child benefit(s)	£ <input style="width: 100%; height: 20px;" type="text"/>
Other state benefit(s)	£ <input style="width: 100%; height: 20px;" type="text"/>
My pension(s)	£ <input style="width: 100%; height: 20px;" type="text"/>
Others living in my home give me	£ <input style="width: 100%; height: 20px;" type="text"/>
Other income (give details below)	£ <input style="width: 100%; height: 20px;" type="text"/>
<input style="width: 100%; height: 20px;" type="text"/>	£ <input style="width: 100%; height: 20px;" type="text"/>
<input style="width: 100%; height: 20px;" type="text"/>	£ <input style="width: 100%; height: 20px;" type="text"/>
<input style="width: 100%; height: 20px;" type="text"/>	£ <input style="width: 100%; height: 20px;" type="text"/>
Total income	£ <input style="width: 100%; height: 20px;" type="text"/>

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

**7** Expenses (do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows: (do not include payments on any arrears).  
Amounts are per week/month.\* \*Delete as appropriate

Mortgage (including second mortgage)	£
Rent	£
Community charge	£
Gas	£
Electricity	£
Water charges	£
TV rental and licence	£
HP repayments	£
Mail order	£
Housekeeping, food, school meals	£
Travelling expenses	£
Children's clothing & pocket money	£
Maintenance payments	£
Others (but not credit debt payments or court orders)	£
	£
	£
	£
<b>Total expenses</b>	£

**8** Court orders

Court	Case No.	Amount outstanding	Payment per month

**9** Money you owe on essential bills

Please state the amount of any arrears owing and the amount of any payments you make towards these arrears.

Payments are per week/month\* \*Delete as appropriate

	Total amount outstanding	Amount of payment
Rent	£	
Mortgage	£	
Community charge	£	
Water Rates	£	
Fuel debts: Gas	£	
Electricity	£	
Other	£	
Maintenance arrears	£	
<b>Total priority debts</b>	£	

**10** Other commitments

Give details of payments on any credit cards, other loans, storecards, loans from family etc.

	Total amount outstanding	Payment monthly
	£	
	£	
	£	
	£	
	£	
	£	
<b>Total</b>	£	

**11** Declaration

I declare that the details I have given above are true to the best of my knowledge

Signed

Dated \_\_\_\_\_

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FORM 7 NOTICE OF DECISION TO TREAT APPLICATION FOR ORDER UNDER SECTION 7 AS APPLICATION FOR ORDER UNDER SECTION 2 (DPMC Act 1978, s. 7(4))

Rule 18(2)

\_\_\_\_\_

.....Magistrates' Court

Date

Case No.

To the Respondent

Address

You are hereby notified that the above named Magistrates' Court at the hearing of the application made on (date) by your husband/wife for an order under section 7 of the Domestic Proceedings and Magistrates' Courts Act 1978 (being an order for financial provision not exceeding the aggregate of the payments made to the applicant during the preceding three months) has decided, under subsection (4) of section 7, to treat the application as if it were an application under section 2 (for an order for such payments as the court may specify) because the court considers that the orders which it has the power to make under section 7

[would not provide reasonable maintenance for the applicant]

[would not provide, or make a proper contribution towards, reasonable maintenance for the child(ren) of the family]

\* The hearing has been adjourned until (time) ON (date) at

Justices' Clerk

You should complete the tear-off slip below and return it as soon as possible. If you are represented by a solicitor show this form to him before returning it.

MAT. 7

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

\* At this hearing the court will have power to make any order for financial provision which it thinks fit on the evidence disclosed. You may feel therefore that it is in your interests to appear at the adjourned hearing.

-----  
*Tear off along here*

The Clerk to the Justices

.....Magistrates' Court

Address .....

.....

Name .....

Hearing date.....

\* I will not contest the application

\* I will contest the application on the following grounds: †

\* Delete whichever is inappropriate.

† State briefly your reasons for contesting the application. If your reasons include an allegation about the behaviour of your wife/husband set out the main facts which you will rely on in support of your allegation.

Signed.....

Date .....

FORM 8NOTICE TO RESPONDENT OF COURT'S POWERS WITH REGARD TO FAMILY PROTECTION ORDERS (DPMC Act 1978, ss. 16, 18(1))

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

Rule 3(2)(c)

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#### **Application for an order under section 16**

Respondents to an application for an order under section 16 of the Domestic Proceedings and Magistrates' Courts Act 1978 are informed that on hearing the application the court (if satisfied as to certain circumstances involving violence or threats of violence) has power to make any order under section 16 of the Act, whether or not the applicant asks for a particular kind of order to be made and, if so, whether or not the particular kind of order asked for by the applicant is made.

Any or all of the following orders may be made under section 16:--

- (i) Under section 16(2)
  - (a) An order that the respondent shall not use, or threaten to use, violence against the person of the applicant;
  - (b) An order that the respondent shall not use, or threaten to use, violence against the person of a child of the family.
- (ii) Under section 16(3)
  - (a) An order requiring the respondent to leave the matrimonial home;
  - (b) An order prohibiting the respondent from entering the matrimonial home.
- (iii) Under section 16(4)
  - (a) If an order under section 16(3) is made, a further order requiring the respondent to permit the applicant to enter and remain in the matrimonial home.
- (iv) Under section 16(10)
  - If an order under section 16(2) is made, it may include provision that the respondent shall not incite or assist another person to use, or threaten to use, violence against the person of the applicant or, as the case may be, the child of the family.

#### **Power of arrest under section 18**

In certain circumstances the court may attach a power of arrest to an order made under section 16. If so, a constable may arrest the respondent without warrant if he has reasonable cause for suspecting the respondent being in breach of the order.

MAT. 8

FORM 9 ORDERS UNDER SECTION 2, 6 OR 7 (DPMC Act 1978)

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

Rule 12(7)(a)

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.....Magistrates' Court

Date  Case No.

Respondent

Address

Child(ren) of the Family	Name	Date of Birth

On the application of

Address

Application

(section [1] [6] [7] of the Domestic Proceedings and Magistrates' Courts Act 1978)

[The application is granted and] it is ordered that:

MAT. 9

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ORDERS FOR FINANCIAL PROVISION

s.2(1)(a)/ s.6/s.7 [The respondent pay to the applicant £ per from until ]

s.2(1)(b)/ s.6 [The respondent pay to the applicant a lump sum of £ (specify conditions of payment)]

s.2(1)(c)/ s.6/ s.7 [The [respondent/applicant] pay [to the applicant/respondent/] for the benefit of (name of child)]

[to (name of child)]

£ per from until ]

s.2(1)(d)/ s.6 [The [respondent/applicant] pay [to the applicant/respondent] for the benefit of (name of child)]

[to (name of child)]

a lump sum of £ (specify conditions of payment)]

[All payments under the above orders are to be made to the justices' clerk].

SUPPLEMENTARY

[(Any appropriate direction under section 25(2))]

[The respondent pay costs of £ to the applicant (specify conditions of payment)]

Justice of the Peace [By Order of the Court Justices' Clerk]



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Rule 12(7)(a)

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.....Magistrates' Court

Date  Case No.

Respondent

Address

On the application of Applicant

Address

Substance of application *Particulars*

The application is granted and it is ordered that:

[The respondent shall not use, or threaten to use, violence against the person of the applicant [and that the respondent shall not incite or assist any other person to use, or threaten to use, violence against the person of the applicant].] s.16(2) [s.16(10)]

[The respondent shall not use, or threaten to use, violence against the person of (name) being a child of the family [and that the respondent shall not incite or assist any other person to use, or threaten to use, violence against the person of (name) ].] s.16(2) [s.16(10)]

[The respondent shall leave (address) being the matrimonial home [and that the respondent shall permit the applicant to enter and remain therein].] s.16(3) [(4)]

[The respondent shall not enter (address) being the matrimonial home [and that the respondent shall permit the applicant to enter and remain therein].] s.16(3) [(4)]

*State any exceptions, conditions or other provisions:*

s.16(9)

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(Where the order is not an expedited order) This order shall take effect on  s.16(9)  
and shall expire on

(Where the order is an expedited order) This order shall take effect [on the date when] s.16(9)  
[days after] notice of the making of the order is served on the respondent and shall expire  
on  (being 28 days after the date on which this order is made) or on the date of the  
commencement of the hearing of the application, whichever occurs first.

Costs: And it is ordered that the respondent pay costs of £  to the applicant [forthwith]  
[by weekly/monthly instalments of £  ] [not later than  ]

Justice of the Peace  
[By order of the Court  
Justices' Clerk]

NOTES:

If you disobey this order you could be sent to prison for up to two months or ordered to pay up to £2000.

(Where the order is an expedited order) This is a temporary order only, and has been made because the applicant has satisfied the court that there is imminent danger of physical injury to the applicant or a child of the family. Before an ordinary (non-expedited) order is made, you will be able to be present in court and to explain your side of the matter.

FORM 11 POWER OF ARREST ATTACHED TO FAMILY PROTECTION ORDER (DPMC Act 1978, s.18(1) and (2))

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

The court, having made an order under section 16 of the Domestic Proceedings and Magistrates' Courts Act 1978 which provides that the respondent—

[(a) shall not use violence against the person of the applicant]

[(b) shall not use violence against the person of (name) being a child of the family,]

[(c) shall not enter (address) being the matrimonial home,]

and being satisfied that the defendant has physically injured [the applicant [a child of the family] and considering that he is likely to do so again, a power of arrest is attached to the provision(s) mentioned at (a)/(b)/(c) above.

A CONSTABLE MAY ARREST without warrant a person whom he has reasonable cause for suspecting of being in breach of any such provision as is mentioned at (a)/(b)/(c) above by reason of that person's use of violence or, as the case may be, his entry into the matrimonial home.

MAT. 11

FORM 12 WARRANT OF ARREST FOR BREACH OF FAMILY PROTECTION ORDER (DPMC Act 1978, s.18(4))

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

Rule 21

.....Magistrates' Court

Date  Case No.

Respondent

Address

Family protection order made by: .....Magistrates' Court  
on .....

Application on [oath] [affirmation] having this day been made to me by (name) that the respondent has disobeyed the above order

Direction: You, the constables of the police force are hereby required to arrest the respondent and to bring the respondent before the above magistrates' court immediately.

[Bail: On arrest, the accused shall be released on bail on entering into a recognisance in the sum of £ [and providing suret[y][ies] in the sum of £ [each]] for h appearance before the Magistrates' Court on (date) at (time) ]]

Justice of the Peace

MAT. 12

FORM 13ENDORSEMENT OF EXPEDITED FAMILY PROTECTION ORDER (DPMC Act 1978, s.16(8))

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Rule 20(5)

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This order was served on the respondent in accordance with Part II of the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991 on \_\_\_\_\_ and [took effect on that date] [will take effect on \_\_\_\_\_].

Justices' Clerk

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## SCHEDULE 2

Rule 26

## CONSEQUENTIAL AND MINOR AMENDMENTS

**1. In the Schedule to the Justices' Clerks Rules 1970(13)–**

## (1) In paragraph 15, there shall be added at the end–

“or in accordance with rule 6 of the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991.”; and

## (2) After paragraph 15C, there shall be inserted the following paragraph–

“**15D.** By virtue of rule 16(2) of the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991, the issuing of a witness summons under section 97 of the Magistrates' Courts Act 1980 in proceedings under the Domestic Proceedings and Magistrates' Courts Act 1978.”.

**2. In the Magistrates' Courts (Guardianship of Minors) Rules 1974(14), in rule 2–**

## (1) In paragraph (1), the words–

(a) ““the Act of 1971” means the Guardianship of Minors Act 1971,”,

(b) ““the Act of 1973” means the Guardianship Act 1973;”, and

(c) ““supervision order” means an order made by a magistrates' court under section 2(2)(a) of the Act of 1973 providing for the supervision of a minor by a probation officer or local authority.”,

shall be omitted;

## (2) in paragraph (2), the words–

(a) “or to the Schedule”, and

(b) “or to the Schedule thereto”

shall be omitted; and

## (3) paragraph (3) shall be omitted.

**3. In the Magistrates' Courts Rules 1981(15)–**

## (1) In rule 2(1)–

(a) after the definition of “the Act of 1980” and before the definition of “child” there shall be inserted ““the Act of 1989” means the Children Act 1989;”, and

(b) for the words ““contribution order” has the meaning assigned to it by section 87 of the Children and Young Persons Act 1933” there shall be substituted ““contribution order” has the meaning assigned to it in paragraph 23(2) of Schedule 2 to the Act of 1989;”.

(2) In rule 2(3), for the words “Part IV of the Children Act 1975” there shall be substituted “the Act of 1989”.

## (3) For rule 3, there shall be substituted the following rule–

(13) S.I. 1970/231, amended by S.I. 1975/300, 1976/1767, 1978/754, 1983/527 and 1991/1395.

(14) S.I. 1974/706, amended by S.I. 1979/953, 1980/1585, and 1989/384.

(15) S.I. 1981/552, amended by S.I. 1982/245, 1983/523, 1984/1552, 1985/1695 and 1944, 1986/1332, 1988/2132, 1989/300 and 384, 1990/336, 1190 and 2260.

**“Saving for the Family Proceedings Courts (Children Act 1989) Rules 1991 and the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991**

**3.** The provisions of these Rules shall have effect subject to the provisions of the Family Proceedings Courts (Children Act 1989) Rules 1991 and the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991.”

- (4) In rule 51–
- (a) “or” shall be inserted after “1980”; and
  - (b) the words “section 35A(5) of the Children Act 1975 or section 12B(5) of the Guardianship of Minors Act 1971” shall be omitted.
- (5) In rule 105, the words “or under section 15 of the Family Law Reform Act 1987” shall be omitted.
- (6) In rule 106–
- (a) in the heading, the words “and custody” shall be omitted;
  - (b) in paragraph (1), the words–
    - (i) “in section 24(2) of the Act of 1978 and”, and
    - (ii) “section 20 or 21 of the said Act of 1978,”shall be omitted;
  - (c) in paragraph (2), the words “said section 24(2) or the” shall be omitted; and
  - (d) in paragraph (3), the words “said section 24(2) or the” shall be omitted.
- (7) After rule 112 there shall be added the following rule–

**“Composition of committee of magistrates for inner London area**

**113.** For the purposes of section 35(3)(bb) of the Justices of the Peace Act 1979(**16**), the two members of the family panel constituted in accordance with the Family Proceedings Courts (Constitution) (Metropolitan Area) Rules 1991(**17**) shall be chosen by ballot by the members of that panel.”

**4.** In the Magistrates' Courts (Adoption) Rules 1984(**18**)–

- (1) In rules 5(3), 6(4), 17(3) and 18(4), for references to “the Guardians Ad Litem and Reporting Officers (Panels) Regulations 1983” there shall be substituted “any regulations made by the Secretary of State under section 41(7) of the Children Act 1989”.
- (2) Subject to other amendments made to these Rules by this paragraph, for references to–
- (a) “section 14 of the 1975 Act”, wherever they occur, there shall be substituted “section 18 of the 1976 Act”; and
  - (b) “section 18 of the 1975 Act” wherever they occur, there shall be substituted “section 22 of the 1976 Act”.
- (3) In rule 2(1)–
- (a) for the words, ““the 1958 Act” means the Adoption Act 1958” there shall be substituted ““the 1976 Act” means the Adoption Act 1976”;
  - (b) for the words, ““the 1975 Act” means the Children Act 1975” there shall be substituted ““the 1989 Act” means the Children Act 1989”;

**(16)** 1979 c. 55; subsection (3)(bb) was inserted by section 10(3)(b) of the Courts and Legal Services Act 1990 (c. 41).

**(17)** S.I. 1991/1426.

**(18)** S.I. 1984/611, amended by S.I. 1989/384.

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- (c) the words ““the 1980 Act” means the Child Care Act 1980” shall be omitted; and
  - (d) in the definition of “interim order” for the words “section 19 of the 1975 Act” there shall be substituted “section 25 of the 1976 Act”.
- (4) For rule 2(2), there shall be substituted–
- “(2) Expressions which are used in these Rules which are used in the 1976 Act and the 1989 Act have the same meaning as in those Acts.”.
- (5) For rule 3, there shall be substituted–

**“Extent**

**3.** These Rules shall apply only to proceedings under the 1976 Act.”

- (6) In rule 4–
- (a) in paragraph (1), for the word “domestic” there shall be substituted “family proceedings”; and
  - (b) for paragraph (2)(b)–(e), there shall be substituted–
    - “(b) any local authority or voluntary organisation which has parental responsibility for, is looking after, or which is caring for, the child;”.
- (7) In rule 5–
- (a) in paragraph (4)(b), for the words “section 14(7) of the 1975 Act” there shall be substituted “section 18(6) of the 1976 Act”; and
  - (b) in paragraph (4)(e), for the words “section 14(8) of the 1975 Act” there shall be substituted “section 18(7) of the 1976 Act”.
- (8) In rule 7(1), for the words “section 12(2) of the 1975 Act” there shall be substituted “section 16(2) of the 1976 Act”.
- (9) In rule 12(2), for the words “in which the parental rights and duties relating to the child are vested by virtue of section 23 of the 1975 Act” there shall be substituted “which has parental responsibility for the child by virtue of section 21 of the 1976 Act” and the words “(c), (d) or (e)” shall be omitted.
- (10) For rule 13 there shall be substituted–

**“Joint application for parental responsibility by adoption agencies**

**13.** –

- (1) An application by two adoption agencies under section 21(1) of the 1976 Act shall be made in the appropriate form prescribed in Schedule 1 to these Rules to a court acting for the area within which the child is at the date of the application by delivering it, or sending it by post, to that court, together with all documents referred to in the application.
- (2) Notice of any order made under section 21 of the 1976 Act shall be sent by the court to the court which made the order under section 18 of the 1976 Act (if a different court) and to any former parent (as defined in section 19(1) of the 1976 Act) of the child.”.
- (11) In rule 15–
- (a) in paragraph (1), for the word “domestic” there shall be substituted “family proceedings”; and
  - (b) for paragraph (2)(b), there shall be substituted “any adoption agency having parental responsibility for the child by virtue of section 18 or 21 of the 1976 Act;”;
  - (c) for paragraph (2)(e)–(i), there shall be substituted–



- “(e) any local authority or voluntary organisation which has parental responsibility for, is looking after, or is caring for, the child;” and
- (d) in paragraph (2)(j), for the words “section 11(1)(b)(ii) of the 1975 Act” there shall be substituted “section 15(1)(b)(ii) of the 1976 Act”.
- (12) In rule 16(a), for the words “section 22(4) of the 1975 Act” there shall be substituted “section 24(1) of the 1976 Act”.
- (13) In rule 19(1), for the words “section 12(2) of the 1975 Act” there shall be substituted “section 16(2) of the 1976 Act”.
- (14) In rule 23(7), for the words “section 10 of the 1975 Act” there shall be substituted “section 14(1A) or (1B) of the 1976 Act”.
- (15) In rule 27–
  - (a) for paragraphs (1) and (2) there shall be substituted–

**“Application for removal, return etc., of child**

**27. –**

- (1) An application–
  - (a) for leave under section 27 or 28 of the 1976 Act to remove a child from the home of a person with whom the child lives,
  - (b) under section 29(1) of the 1976 Act for an order for the return of a child who has been removed from the home of a person with whom the child lives,
  - (c) under section 29(2) of the 1976 Act for an order directing a person not to remove a child from the home of a person with whom the child lives,
  - (d) under section 30(2) of the 1976 Act, for leave to give notice of an intention not to allow a child to remain in a person’s home, or
  - (e) under section 20(2) of the 1976 Act, for leave to place a child for adoption,shall be made in accordance with paragraph (2).
- (2) The application under paragraph (1) above shall be made by complaint–
  - (a) if an application for an adoption order or an order under section 18 or 20 of the 1976 Act is pending, to the family proceedings court in which the application is pending; or
  - (b) if no such application is pending, to the family proceedings court in whose area the applicant lives or, in the case of an application made under section 28 of the 1976 Act, the court in whose area the child is:

Provided that if an application is pending under paragraph (1) above, any further application concerning the home of the child shall be made to the family proceedings court in which that original application is pending.”;

- (b) in paragraph (3)(a), for the words, “section 14 or 16 of the 1975 Act” there shall be substituted “section 18 or 20 of the 1976 Act”; and
- (c) in paragraph (11)–
  - (i) for the words, “section 30(4) of the 1975 Act” there shall be substituted “section 29(4) of the 1976 Act”,
  - (ii) for the words, “section 30(1)” there shall be substituted “section 29(1)”, and

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- (iii) for the words, “Form 10 of the Magistrates' Courts (Children and Young Persons) Rules 1970” there shall be substituted “a warrant form as per section 102 of the 1989 Act.”.
- (16) In rule 28(1)–
- (a) for the words, “section 24 of the 1958 Act” there shall be substituted “paragraph 4 of Schedule 1 to the 1976 Act”;
  - (b) for the words, “section 26 of the 1958 Act (or section 1(1) of the Adoption Act 1960)” there shall be substituted “section 52 of, and Schedule 2 to, the 1976 Act”; and
  - (c) for the word “domestic” in each place where it occurs, there shall be substituted “family proceedings”.
- (17) In rule 31–
- (a) in paragraph (1)(b), for the words, “section 16 of the 1975 Act” there shall be substituted “section 20 of the 1976 Act”;
  - (b) paragraph (6) shall be omitted; and
  - (c) in paragraph (7), for the words, “section 8(3) of the 1975 Act (orders relating to the parental rights and duties and the maintenance of the child)” there shall be substituted “section 12(3) of the 1976 Act (orders relating to parental responsibility for, and the maintenance of, the child)”.
- (18) In rule 32–
- (a) for the year, “1958” wherever it occurs there shall be substituted “1976”;
  - (b) in paragraph (1), for the words, “Part I of the 1975 Act”, there shall be substituted “Part II of the 1976 Act”;
  - (c) in paragraph (2), for the words, “section 14(7) or 15(4) of the 1975 Act” there shall be substituted “section 18(6) or 19(4) of the 1976 Act”; and
  - (d) in paragraph (6), the words “or Part I of the 1975 Act” shall be deleted.
- (19) Subject to other amendments made by this paragraph, in Schedule 1 (Forms)–
- (a) for the words “all the parental rights and duties with respect to”, “the parental rights and duties relating to”, “parental duties in relation to”, or “parental rights and duties in respect of”, wherever they occur, there shall be substituted “parental responsibility for”;
  - (b) for the words “by deed or will in accordance with the provisions of the Guardianship of Infants Acts 1886 and 1925, or the Guardianship of Minors Act 1971, or by a court of competent jurisdiction”, wherever they occur, there shall be substituted “under section 5 of the 1989 Act”;
  - (c) for the words “actual custody”, wherever they occur, there shall be substituted “home”; and
  - (d) the words “or if the father has legal custody of the child by virtue of a court order” or “or if he has legal custody of the child by virtue of a court order”, wherever they occur, shall be omitted.
- (20) In Form 1 of Schedule 1–
- (a) in paragraph 8, for the words “is in the care of” there shall be substituted “is looked after by”;
  - (b) in paragraph 11(19), for sub-paragraphs (i) and (ii) there shall be substituted–
    - “(i) does/does not intend to apply for an order under section 4(1)(a) of the 1989 Act,

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(19) Amended by paragraph 22 of the Schedule to the Magistrates' Courts (Family Law Reform Act 1987) (Miscellaneous Amendments) Rules 1989 (S.I. 1989/384).

- (ii) does/does not intend to apply for a residence order.);
  - (c) in the note to paragraphs 5 and 6, for the words “section 12(2) of the 1975 Act” there shall be substituted “section 16(2) of the 1976 Act”; and
  - (d) in the note to paragraph 8, for the words “in the care of” there shall be substituted “being looked after by”.
- (21) In Form 2 of Schedule 1–
- (a) In paragraph (2), for the word “them” there shall be substituted “that”; and
  - (b) in paragraph (3)(c), for the words “the parental duties” there shall be substituted “his parental responsibility”.
- (22) In Form 3 of Schedule 1, in paragraph 3–
- (a) for the words “in the care of” there shall be substituted “being looked after by”; and
  - (b) for the words “has his home” there shall be substituted “lives”.
- (23) In Form 4 of Schedule 1–
- (a) in paragraph 3, for the words “the parental rights and duties” there shall be substituted “parental responsibility for the child”; and
  - (b) in Note (b), for the words “section 14(7) of the Children Act 1975” there shall be substituted “section 18(6) of the 1976 Act”.
- (24) In Form 5 of Schedule 1–
- (a) in the heading, for the words “PARENTAL RIGHTS AND DUTIES” there shall be substituted “PARENTAL RESPONSIBILITY”; and
  - (b) in the note to paragraph 4, for the words “section 15(1) of the Children Act 1975” there shall be substituted “section 19(1) of the 1976 Act”.
- (25) In Form 6 of Schedule 1–
- (a) in paragraph 8, for the word “were” in both places where it occurs, there shall be substituted “was” and for the words “section 23 of the Children Act 1975” there shall be substituted “section 21 of the 1976 Act”;
  - (b) for paragraph 13 there shall be substituted–
    - “**13.** Persons by whom child looked after
    - The child is being looked after by (who have parental responsibility for him).);
  - (c) in the note to paragraph 8, for the words “section 23” there shall be substituted “section 21 of the 1976 Act”;
  - (d) in the note to paragraph 13, for the words “in the care of” there shall be substituted “being looked after by”;
  - (e) in the note to paragraphs 16 and 17, for the words “section 9 of the 1975 Act” there shall be substituted “section 13 of the 1976 Act”;
  - (f) in the note to paragraph 19–
    - (i) for the words “section 22(4) of the 1975 Act” there shall be substituted “section 24 of the 1976 Act”, and
    - (ii) for the words “section 42 (orders for custody etc. in matrimonial proceedings) of the Matrimonial Causes Act 1973” there shall be substituted “Part I of the 1989 Act”; and
  - (g) in paragraph 22, for the words “section 57(1) of the Adoption Act 1958 (as amended)” there shall be substituted “section 72 of the 1976 Act”.

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- (26) In Form 7 of Schedule 1—
- (a) in paragraph (1) for the word “them” there shall be substituted “that”; and
  - (b) in the note to paragraph 3, for the words from “cannot” to the end there shall be substituted “to the making of an adoption order cannot remove the child from the applicant’s home without leave of the court.”.
- (27) In Form 9 of Schedule 1—
- (a) for the words “section 24 of the Adoption Act 1958” there shall be substituted “section 50 of the 1976 Act”;
  - (b) for the words “section 26 of the Adoption Act 1958” there shall be substituted “section 52 of the 1976 Act”; and
  - (c) the words “or section 1(1) of the Adoption Act 1960” shall be omitted.
- (28) In Form 10 of Schedule 1, for the words “section 14(7) of the 1975 Act” there shall be substituted “section 18(6) of the 1976 Act”.
- (29) In Form 11 of Schedule 1—
- (a) for the words “section 16 of the Children Act 1975” there shall be substituted “section 20 of the 1976 Act”; and
  - (b) for the words “section 15(3)” there shall be substituted “section 19(3)”.
- (30) In Form 12 of Schedule 1, for the words “the legal custody of” in both places where they occur, there shall be substituted “parental responsibility for”.
- (31) In Form 13 of Schedule 1, the words “(including the legal custody of the child)” shall be omitted.
- (32) In Schedule 2—
- (a) for paragraph 1(g), there shall be substituted—
    - “(g) details of any wardship proceedings and of any court orders relating to parental responsibility for the child or to maintenance and residence;”;
  - (b) in paragraph 1(h), for the words “in respect of care and custody” there shall be substituted “concerning with whom they are to live”;
  - (c) in paragraph 1(i), for the words “access to” there shall be substituted “contact with”;
  - (d) in paragraph 1(j), for the words “in the care of a local authority or” there shall be substituted “looked after by or is in the care of a local authority or has been cared for by a”;
  - (e) in paragraph 4(e), for the words “an order relating to the custody of the child” there shall be substituted “a residence order;”;
  - (f) in paragraph 5(b), for the words “section 29 of the 1958 Act” there shall be substituted “section 11 of the 1976 Act”;
  - (g) in paragraph 6(b), for the words “any of the parental rights and duties” there shall be substituted “parental responsibility”; and
  - (h) in paragraph 7(e), for the word “custody” there shall be substituted “a residence order”.
- 5.** In the Magistrates' Courts (Child Abduction and Custody) Rules 1986(20), in rule 2, in the definition of “the High Court” for the words “or the High Court in Northern Ireland” there shall be substituted “, the High Court in Northern Ireland or the High Court of Justice of the Isle of Man”.
- 6.** In the Magistrates' Courts (Family Law Act 1986) Rules 1988(21)—

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(20) S.I. 1986/1141.

(21) S.I. 1988/329.

(1) For the words “custody order”, in each place where they occur, there shall be substituted “Part I order”.

(2) In rule 2(1)–

(a) after the definition of “custody order” there shall be inserted the following definition—  
““specified dependent territory” means a dependent territory specified in column 1 of Schedule 1 to the Family Law Act 1986 (Dependent Territories) Order 1991(22);”;

(b) in the definition of “the appropriate court” at the end there shall be inserted “and, in relation to a specified dependent territory, means the corresponding court in that territory”.

(3) In rule 3(3), for the words “or to both” there shall be substituted “or the corresponding officer of the appropriate court in a specified dependent territory, or to more than one of those persons”.

(4) In rule 4(1)–

(a) for the words “or Northern Ireland” there shall be substituted “, Northern Ireland or a specified dependent territory”; and

(b) for the words “or both” there shall be substituted “or the corresponding officer of the appropriate court in a specified dependent territory, or to more than one of those persons”.

(5) In Form 1–

(a) in the heading, for the words “OR NORTHERN IRELAND” there shall be substituted “NORTHERN IRELAND OR A SPECIFIED DEPENDENT TERRITORY”; and

(b) for the words “or both” there shall be substituted “, specified dependent territory or more than one of these”.

7. In the Magistrates' Courts (Children and Young Persons) Rules 1988(23)–

(1) In rule 2(1)–

(a) the words “Subject to rule 29 of these Rules” shall be omitted;

(b) the words ““the Act of 1963” means the Children and Young Persons Act 1963” shall be omitted; and

(c) for the words ““the Act of 1980” means the Child Care Act 1980” and ““the Act of 1986” means the Children and Young Persons (Amendment) Act 1986” there shall be substituted ““the Act of 1989” means the Children Act 1989”.

(2) For the heading to PART III there shall be substituted “PROCEEDINGS RELATING TO SUPERVISION ORDERS”.

(3) In rule 13–

(a) paragraph 1(a)(i) and (iii) shall be omitted;

(b) in paragraph (1)(d), for the words “sections 21A and 39 of the Act of 1980” there shall be substituted “section 25 of the Act of 1989”; and

(c) in paragraph (2)–

(i) in the definition of “the appropriate local authority”, sub-paragraphs (a) and (c) shall be omitted,

(ii) the words “(except where it is used in the expression “guardian ad litem”)” shall be omitted,

(iii) the words ““the offence condition” means the condition set out in section 1(2)(f) of the Act of 1969” shall be omitted, and

(iv) in the definition of “the respondent”, sub-paragraph (b) shall be omitted.

(22) S.I. 1991/1723.

(23) S.I. 1988/913, amended by S.I. 1989/384.

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- (4) In rule 14—
  - (a) in paragraph (2)—
    - (i) for the words “section 2(3) and 34(2)” there shall be substituted “section 34(2)”, and
    - (ii) for the words “sections 21A and 39 of the Act of 1980” there shall be substituted “section 25 of the Act of 1989”;
  - (b) in paragraph (3), sub-paragraph (f) shall be omitted; and
  - (c) paragraphs (4) and (5) shall be omitted.
- (5) In rule 18, for the words “the provisions of section 32A(4A) of the Act of 1969 or to any other” there shall be substituted “any”.
- (6) In rule 20—
  - (a) the words “, unless it makes an interim order in respect of the relevant infant in pursuance of section 2(10) or 16(4) of the Act of 1969 or section 21A(4) of the Act of 1980,” shall be omitted; and
  - (b) paragraphs (4) and (5) shall be omitted.
- (7) In rule 21, paragraphs (2) and (3) shall be omitted.
- (8) In rule 22—
  - (a) paragraph (1)(b) and (c) shall be omitted; and
  - (b) in paragraph (2), the words “or a guardian ad litem has been appointed” shall be omitted.
- (9) In rule 23—
  - (a) in paragraph (1)—
    - (i) the words “, in the case of proceedings under section 1 of the Act of 1969, the ground on which the proceedings are brought or, in the case of any proceedings,” shall be omitted, and
    - (ii) the words in round brackets shall be omitted; and
  - (b) in paragraph (2), the words “Subject to rule 21(2)(c),” shall be omitted.
- (10) In rule 24, the words “Subject to rule 21(2)(c),” shall be omitted.
- (11) In rule 25—
  - (a) in paragraph (1)—
    - (i) the words “guardian ad litem,” shall be omitted,
    - (ii) in sub-paragraph (d), the words in round brackets shall be omitted, and
    - (iii) sub-paragraph (e) shall be omitted; and
  - (b) in paragraph (3)—
    - (i) sub-paragraph (a) shall be omitted, and
    - (ii) in sub-paragraph (d), the words “guardian ad litem,” shall be omitted.
- (12) In rule 26, for the words “sections 21A and 39 of the Act of 1980” there shall be substituted “section 25 of the Act of 1989”.
- (13) In rule 27, the words “or before remitting the case to another court in pursuance of section 2(11) of the Act of 1969” shall be omitted.
- (14) In rule 42—
  - (a) for the words “section 22(5) or section 23(2)” there shall be substituted the words “section 23(5)”;
  - (b) for the words “said section 23(2)” there shall be substituted “said section 23(5)”;

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- (c) for the words “the care of a local authority” there shall be substituted “local authority accommodation”.
- (15) In rule 43, paragraphs (2)(b) and (3)(b) shall be omitted.
- (16) In Schedule 2–
  - (a) in Forms 4 to 6–
    - (i) in the headings, the words “care proceedings and” shall in each case be omitted, and
    - (ii) for “[1] [15]” there shall in each case be substituted “15”;
  - (b) in the headings to Forms 4 and 6, for “ss. 2(4), 16(2)” there shall in each case be substituted “s. 16(2)”;
  - (c) in Forms 19, 21 and 32–
    - (i) in the headings, for the words “care of local authority” there shall in each case be substituted “local authority accommodation” and for “ss. 20, 23” there shall in each case be substituted “s. 23”,
    - (ii) for the words “care of the said council” there shall in each case be substituted “accommodation of the said council”,
    - (iii) for the words “keep the defendant in their care” there shall in each case be substituted “accommodate the defendant”, and
    - (iv) for the words “the care of a person” there shall in each case be substituted “the charge of a person”;
  - (d) in Forms 20 and 22, for the words “the care of a local authority” there shall in each case be substituted “local authority accommodation”;
  - (e) in Form 24–
    - (i) in the heading, for the words “care of local authority” there shall be substituted “local authority accommodation” and for “s. 23(2), (3)” there shall be substituted “s. 23(5), (6)”,
    - (ii) for the words “the care of the” there shall be substituted “the accommodation of the”, and
    - (iii) for the words “the care of a local authority” there shall be substituted “local authority accommodation”;
  - (f) in Form 25, for the words “care/custody of” in both places where they appear there shall be substituted “accommodation/custody”;
  - (g) in Form 33, for the words “the care of a local authority” there shall be substituted “local authority accommodation”;
  - (h) in Forms 47 and 48–
    - (i) in the headings, for the words “Child Care Act 1980, s. 21A” there shall in each case be substituted “Children Act 1989, s. 25”,
    - (ii) for the words “[in the care of] [accommodated by]” there shall in each case be substituted “accommodated by”,
    - (iii) for the words “(specify enactment)” there shall in each case be substituted “section 23 of the Children and Young Persons Act 1969”, and
    - (iv) for the words “section 21A of the Child Care Act 1980 or in regulations made under sections 21A and 39 of that Act” there shall be substituted “regulations made under section 25 of the Children Act 1989”;
  - (i) in Form 47–

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- (i) for the words “it is likely that his physical, mental or moral welfare will be at risk” there shall be substituted “he is likely to suffer significant harm”, and
  - (ii) for the words “the care of the said council” there shall be substituted “local authority accommodation”;
  - (j) in Form 62, in the Schedule thereto, after “section 12” there shall be inserted “or section 12AA”; and
  - (k) in Forms 65 and 67, for “sections 12 and 18(2)” there shall in each case be substituted “section 12 or 12AA and section 18(2)”.
- 8. In the Family Proceedings Courts (Children Act 1989) Rules 1991(24)–**
- (1) In rule 2(2)(a), after the word “proceedings” there shall be inserted “(in a family proceedings court)”.
  - (2) In rule 14(12)–
    - (a) for the words “take a note of” there shall be substituted “record”;
    - (b) after the word “rule” there shall be inserted “in the appropriate form in Schedule 1 to these Rules”; and
    - (c) for the words “the note” there shall be substituted “the form”.
  - (3) In rule 27(2) for the words “in writing” there shall be substituted “in the appropriate form in Schedule 1 to these Rules”.
  - (4) In Schedule 1–
    - (a) for page 1 of Form CHA 15 (Application for the [Variation] [Discharge] of an order for Financial Provision for Children) there shall be substituted the following–



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### Application for the [Variation] [Discharge] of an order for Financial Provision for Children

Date received by court

#### Schedule 1 Para 1 (4) The Children Act 1989

- ▶ Please use black ink. The notes on page 3 tell you what to do when you have completed the form.
- ▶ If there is more than one child you must fill in a separate form for each child.
- ▶ Please answer every part. If a part does not apply or you do not know what to say please say so. If there is not enough room continue on another sheet (put the child's name and the number of the part on the sheet).
- ▶ If you have any concerns about giving your address or that of the child or any other address requested in this form, you may give an alternative address where papers can be served. However, you must notify the court of the actual address on a separate form available from the court.

I apply to The

[High] [County] [Magistrates] Court

Case No.

- for the [variation] [discharge] of an order for  periodical payments  
 secured periodical payments\*

\*these orders can only be made in the High Court or a County Court

THE CHILDREN ACT

### 1 About the order for financial Provision

(a) The order for Financial Provision was made on  day  month  year

(b) The order was made at  [High] [County] [Magistrates] Court

Case No.

(c) It is helpful to the court if a copy of the order is attached. Please tick the box if you are enclosing a copy.

THE CHILDREN ACT

### 2 About the child

(a) The name of the child is  Put the surname last

(b) The child is a  boy  girl

(c) The child was born on the  day  month  year  Age now

(d) The child usually lives at  See note on addresses at top of this form

(e) The child lives with  the child's mother  the child's father  If the child does not live with a parent please give the name of the person who is responsible for the child

THE CHILDREN ACT

(b) for page 1 of Form CHA 17 (Application for Authority to Hold Child in Secure Accommodation) there shall be substituted the following-

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# Application for Authority to Hold Child in Secure Accommodation

## Section 25 The Children Act 1989

Date received by court

- ▶ Please use black ink. The notes on page 4 tell you what to do when you have completed the form.
- ▶ If there is more than one child you must fill in a separate form for each child.

- ▶ Please answer every part. If a part does not apply or you do not know what to say please say so. If there is not enough room continue on another sheet (put the child's name and the number of the part on the sheet).
- ▶ If you have any concerns about giving your address or that of the child or any other address requested in this form, you may give an alternative address where papers can be served. However, you must notify the court of the actual address on a separate form available from the court.

Application to The [High] [County] [Magistrates'] Court  
for authority to hold child in secure accommodation

Case No.

THE CHILDREN ACT

### 1 About the child

(a) The name of the child is  
*Put the surname last*

(b) The child is a  boy  girl

(c) The child was born on the  day  month  year  Age now

(d) The child is at  
*Say where the child is now.*  
*See note on addresses at top of this page*

(e) The child is being cared for by  a local authority  
 a health authority  
 a local education authority  
 a residential care home  
 a nursing home  
 a mental nursing home  
 other (*say here*)

(f) The child  has been informed of his / her rights to legal advice  
 has not been informed of his / her rights to legal advice

(g) A Guardian ad litem  has not been appointed  
 has been appointed. The Guardian ad litem is

(h) The child's solicitor is

THE CHILDREN ACT

CHA 17

- (c) in form CHA 31 (Order making or refusing the appointment of a solicitor), for the word “and” in the second and third places where it occurs there shall be substituted the word “or”;
- (d) in Form CHA 57 (Refusal of Order), in paragraph 3, after the words “[the grounds are not proved and” there shall be inserted the word “the”;

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- (e) for page 1 of Form CHA 62 (Application for a warrant empowering a constable to assist in [exercising powers of entry] [gaining access to a child]) there shall be substituted the following—

Date received by court

**Application for a Warrant empowering a constable to assist in [exercising powers of entry] [gaining access to a child]**

**Section 102(1) The Children Act 1989**

▶ Please use black ink. The notes on page 2 tell you what to do when you have completed the form.

▶ If there is more than one child you must fill in a separate form for each child.

▶ Please answer every part. If a part does not apply or you do not know what to say please say so. If there is not enough room continue on another sheet (put the child's name and the number of the part on the sheet).

▶ If you have any concerns about giving your address or that of the child or any other address requested in this form, you may give an alternative address where papers can be served. However, you must notify the court of the actual address on a separate form available from the court.

Please speak to the court official immediately if you wish this application to be heard without giving Notice of the application to any other party.

---

Application to The [High] [County] [Magistrates'] Court

for a Search Warrant empowering a constable to assist in [exercising powers of entry] [gaining access to a child] Case No.

---

**1 About the applicant**

(a) The applicant is

authorised by the Secretary of State to make this application

a designated police officer

an officer of the

other (state below)

(b) The applicant's title is

Mr  Mrs  Miss  Ms  Other (say here)

(c) The applicant's full name is

*Put the surname last*

(d) The applicant's address is

*See note on addresses at top of this form*

(e) The applicant's telephone number and reference are

Tel.  Ref

(f) The applicant's solicitor is

Name

Address

Tel.  Fax  Ref

---

**2 About the child (where applicable)**

(a) The child's name is

*Put the surname last*

(b) The child is a

boy  girl

(c) The child was born on the

day  month  year  Age now

(d) The child lives at

*See note on addresses at top of this form*

(e) Description of child

*You may attach a recent photo for use by the court*

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CHA 62

- (f) for Form CHA 63 (Warrant of Assistance to [gain access to a child] [gain entry to premises]) there shall be substituted the following—

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In the  
at

[High Court of Justice]  
[County Court]  
[Magistrates' Court]

THE CHILDREN ACT

**Warrant of Assistance to [gain access to a child ]  
[gain entry to premises]**

Case No. [REDACTED]

Section 102(1) The Children Act 1989

THE CHILDREN ACT

**To all Police Constables**

1 The child is a  
[boy] [girl]

born on  
or is described as

2 An [ex parte] application for a warrant has been made in respect of the premises known as

3 The court, being satisfied that a person has been prevented or is likely to be prevented from exercising his / her powers under the enactments listed in section 102(6) of the Children Act, **orders that** all Police Constables are to assist in the exercise of the said powers, using reasonable force if necessary.

4 Note to all Police Constables  
The court directs that you  
[should not be accompanied by the applicant]  
[may be accompanied by a Registered Medical Practitioner, Registered Nurse or Registered Health Visitor if you wish]

5 Once this warrant has been executed you should take the child to

THE CHILDREN ACT

This order was made on

[Mr / Mrs Justice]  
[His / Her Honour Judge]  
[District Judge [of the Family Division]]  
[Clerk of the Court]

THE CHILDREN ACT

CHA 63

(g) after Form CHA 65 (Refusal to Transfer Proceedings) there shall be added the following two forms—

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In the

at

[High Court of Justice]

[County Court]

[Magistrates' Court]

THE CHILDREN ACT

## Direction to undertake an investigation

Section 37 The Children Act 1989

Case No. [REDACTED]

THE CHILDREN ACT

1 The child is

a [boy] [girl]

born on

2 The court directs that the

shall undertake an investigation of the child's circumstances.

local authority

3 The court also directs that

[copies of

shall be served on the

local authority]

THE CHILDREN ACT

This order was made on

[Mr / Mrs Justice]

[His / Her Honour Judge]

[District Judge(of the Family Division)]

[Justice of the Peace]

[Clerk of the Court]

THE CHILDREN ACT

CHA 68

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In the  
at

[High Court of Justice]  
[County Court]  
[Magistrates' Court]

THE CHILDREN ACT

**Directions**

The Children Act 1989

[ ]

Case No. [ ]

THE CHILDREN ACT

1 The child is  
a [boy] [girl]  
born on

2 The court directs that

3 These directions were [not] made ex parte

THE CHILDREN ACT

These directions were given on

[Mr / Mrs Justice]  
[His / Her Honour Judge]  
[District Judge [of the Family Division]]  
[Justice of the Peace]  
[Clerk of the Court]

THE CHILDREN ACT

CHA 69

## SCHEDULE 3

Rule 27

## REVOCATIONS

<i>(1)</i> <i>Rules revoked</i>	<i>(2)</i> <i>References</i>	<i>(3)</i> <i>Extent of revocation</i>
The Magistrates' Courts (Guardianship of Minors) Rules 1974	S.I. <a href="#">1974/706</a>	Rules 4, 6, 7, 8, 9, 9A and 9B and the Schedule
The Magistrates' Courts (Guardianship of Minors) (Amendment) Rules 1979	S.I. <a href="#">1979/953</a>	The whole Rules
The Magistrates' Courts (Matrimonial Proceedings) Rules 1980	S.I. <a href="#">1980/1582</a>	The whole Rules
The Magistrates' Courts (Guardianship of Minors) (Amendment) Rules 1980	S.I. <a href="#">1980/1585</a>	The whole Rules
The Magistrates' Courts Rules 1981	S.I. <a href="#">1981/552</a>	Rules 36 and 37
The Magistrates' Courts (Adoption) Rules 1984	S.I. <a href="#">1984/611</a>	Rule 26
The Magistrates' Courts (Custodianship Orders) Rules 1985	S.I. <a href="#">1985/1695</a>	The whole Rules
The Magistrates' Courts (Matrimonial Proceedings) (Amendment) Rules 1986	S.I. <a href="#">1986/1498</a>	The whole Rules
The Magistrates' Courts (Family Law Act 1986) Rules 1988	S.I. <a href="#">1988/329</a>	Rule 5
The Magistrates' Courts (Children and Young Persons) Rules 1988	S.I. <a href="#">1988/913</a>	Rules 15 to 17, 28 to 36, 38 and 39 and Forms 7 to 13, 16 to 18, 27 to 31, 35, 36, 43 to 46, 49, 52, 53, 56 to 61, 63, 64 and 77 to 80 in Schedule 2
The Magistrates' Courts (Custodianship Orders) (Amendment) Rules 1989	S.I. <a href="#">1989/383</a>	The whole Rules
The Magistrates' Courts (Family Law Reform Act 1987) (Miscellaneous Amendments) Rules 1989	S.I. <a href="#">1989/384</a>	Paragraphs 4 to 13 and 28 to 31 of the Schedule

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

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## EXPLANATORY NOTE

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

These Rules assimilate the procedures to be followed in family proceedings under the Domestic Proceedings and Magistrates' Courts Act 1978 with those which apply in proceedings under the Children Act 1989. In addition, the Rules make consequential and minor amendments to, or revoke, other rules of procedure which apply in magistrates' courts mainly to take account of the changes effected by the Children Act 1989.

Part II of the Rules sets out the procedures which are to apply in proceedings under the 1978 Act. The principal change is contained in rule 3, which replaces the complaint and summons procedure, by which proceedings were formerly brought, by a procedure for instituting such proceedings by the making of an application, endorsed by the justices' clerk and returned to the applicant to be served by him, in accordance with rule 4, on the respondent.

Rule 6 makes provision for "directions appointments" to be held at any time during the proceedings by the justices' clerk, a single justice or the full court with a view to issuing directions on the conduct of the proceedings. Rule 8 makes attendance by parties at directions appointments mandatory.

Rule 9 requires a party to file and serve on other parties written statements of the oral evidence which that party intends to adduce, and copies of any documents upon which the party intends to rely, at a hearing or directions appointment.

Rule 15 enables justices' clerks to delegate responsibilities imposed upon them under the Rules to a person employed as a clerk in court where that person is appointed by the Magistrates' Courts Committee to assist him and where that person has been specifically authorised by the justices' clerk for that purpose.

Schedule 1 to the Rules contains the forms of application and order which are prescribed for the purposes of proceedings under the 1978 Act.

Schedule 2 to the Rules makes amendments to the Justices' Clerks Rules 1970, the Magistrates' Courts (Guardianship of Minors) Rules 1974, the Magistrates' Courts Rules 1981, the Magistrates' Courts (Adoption) Rules 1984, the Magistrates' Courts (Child Abduction and Custody) Rules 1986, the Magistrates' Courts (Family Law Act 1986) Rules 1988, the Magistrates' Courts (Children and Young Persons) Rules 1988 and the Family Proceedings Courts (Children Act 1989) Rules 1991. Schedule 3 to the Rules revokes wholly the Magistrates' Courts (Matrimonial Proceedings) Rules 1980 and the Magistrates' Courts (Custodianship Orders) Rules 1985 and relevant amending statutory instruments. Schedule 3 also revokes in part the Magistrates' Courts (Guardianship of Minors) Rules 1974, the Magistrates' Courts Rules 1981, the Magistrates' Courts (Adoption) Rules 1984, the Magistrates' Courts (Family Law Act 1986) Rules 1988, the Magistrates' Courts (Children and Young Persons) Rules 1988 and the Magistrates' Courts (Family Law Reform Act 1987) (Miscellaneous Amendments) Rules 1989.

Nothing in these Rules affects proceedings which are pending (within the meaning of paragraph 1 of Schedule 14 to the Children Act 1989) immediately before these Rules come into force. These Rules come into force on 14th October 1991 save that paragraph 3(7) of Schedule 2 to these Rules (composition of Committee of Magistrates for inner London area) shall come into force on 7th October 1991.