
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Rules 1991 following the amendment made by section 1 of the Domestic Violence, Crime and Victims Act 2004 (c.28) to Part IV of the Family Law Act 1996 (c.27) providing that breach of a non-molestation order is a criminal offence. Repeals made in Schedule 11 and consequential amendments made in Schedule 10 to the Domestic Violence, Crime and Victims Act 2004 also limit the power of the court to attach a power of arrest to an occupation order only.

Rule 3 provides that occupation orders and non-molestation orders are to be issued on Form FL404 and FL404a respectively.

Rule 4 provides that where the court attaches a power of arrest to an occupation order that the relevant provisions of that order are to be set out on Form FL406. This rule also provides for service upon the officer for the time being in charge of any police station for the applicant's address or of such other police station as the court may specify.

Rule 5 makes consequential amendments to rule 3.10 regarding applications for bail.

Rule 6 introduces amendments to existing forms and Form FL404a.

Rule 7 provides for transitional provisions.