
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 6

SERVICE

CHAPTER 2

**SERVICE OF THE APPLICATION FOR A MATRIMONIAL ORDER
OR CIVIL PARTNERSHIP ORDER IN THE JURISDICTION**

Service of the application on children and protected parties

- 6.14.**—(1) Where the respondent is a child, the application form must be served on—
- (a) one of the child’s parents or guardians; or
 - (b) if there is no parent or guardian, an adult with whom the child resides or in whose care the child is.
- (2) Where the respondent is a protected party, the application must be served on—
- (a) one of the following persons with authority in relation to the protected party—
 - (i) the attorney under a registered enduring power of attorney;
 - (ii) the donee of a lasting power of attorney; or
 - (iii) the deputy appointed by the Court of Protection; or
 - (b) if there is no such person, an adult with whom the protected party resides or in whose care the protected party is.
- (3) Any reference in this Chapter to a respondent or party to be served includes the person to be served with the application form on behalf of a child or protected party under paragraph (1) or (2).
- (4) The court may make an order permitting an application form to be served on a child or protected party, or on a person other than the person specified in paragraph (1) or (2).
- (5) An application for an order under paragraph (4) may be made without notice.
- (6) The court may order that, although an application form has been sent or given to someone other than the person specified in paragraph (1) or (2), it is to be treated as if it had been properly served.
- (7) Where a document is served in accordance with this rule—
- (a) it must be endorsed with the notice set out in Practice Direction 6A; and
 - (b) the person commencing the proceedings must file a witness statement by the person on whom the application form was served stating whether—
 - (i) the contents of the application form; or
 - (ii) the purpose and intention of the application,were communicated to the child or protected party and, if not, why not.

- (8) Paragraph (7)(b) does not apply where the Official Solicitor is, as the case may be—
- (a) the litigation friend of the protected party; or
 - (b) the litigation friend or children’s guardian of the child.