
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 32

REGISTRATION AND ENFORCEMENT OF ORDERS

CHAPTER 3

REGISTRATION OF MAINTENANCE ORDERS UNDER THE 1958 ACT

Interpretation

32.13. In this Chapter “the register” means the register kept for the purposes of the 1958 Act.

Registration of orders – prescribed period

32.14. The prescribed period for the purpose of section 2(2) of the 1958 Act is 14 days.

(Section 2(2) sets out the period during which an order, which is to be registered in a magistrates’ court, may not be enforced)

Application for registration of a maintenance order in a magistrates’ court

32.15.—(1) An application under section 2(1) of the 1958 Act may be made by sending to the court officer at the court which made the order—

- (a) a certified copy of the maintenance order; and
- (b) two copies of the application.

(2) When, on the grant of an application, the court officer sends the certified copy of the maintenance order to the magistrates’ court in accordance with section 2(2), the court officer must—

- (a) note on the order that the application for registration has been granted; and
- (b) send to the magistrates’ court a copy of the application for registration of the order.

(3) On receiving notice that the magistrates’ court has registered the order, the court officer must enter particulars of the registration in the court records.

Registration in a magistrates’ court of an order registered in the High Court

32.16.—(1) This rule applies where—

- (a) a maintenance order is registered in the High Court in accordance with section 17(4) of the 1950 Act; and
- (b) the court officer receives notice that the magistrates’ court has registered the order in accordance with section 2(5) of the 1958 Act.

(2) The court officer must enter particulars of the registration in Part II of the register.

Registration in the High Court of a magistrates' court order

32.17.—(1) This rule applies where a court officer receives a certified copy of a magistrates' court order for registration in accordance with section 2(4)(c) of the 1958 Act.

- (2) The court officer must register the order in the High Court by—
 - (a) filing the copy of the order; and
 - (b) entering particulars in—
 - (i) the register; or
 - (ii) if the order is received in a district registry, the cause book or cause card.
- (3) The court officer must notify the magistrates' court that the order has been registered.

Registration in the High Court of an order registered in a magistrates' court

32.18.—(1) This rule applies where—

- (a) an order has been registered in the magistrates' court in accordance with section 17(4) of the 1950 Act; and
 - (b) a sheriff court in Scotland or a magistrates' court in Northern Ireland has—
 - (i) made an order for the registration of that order in the High Court; and
 - (ii) sent a certified copy of the maintenance order to the court officer of the High Court in accordance with section 2(4)(c) of the 1958 Act.
- (2) The court officer must register the order in the High Court by—
 - (a) filing the copy of the order; and
 - (b) entering particulars in the register.
 - (3) The court officer must notify—
 - (a) the court which made the order; and
 - (b) the magistrates' court in which the order was registered in accordance with section 17(4) of the 1950 Act,

that the order has been registered in the High Court.

Variation or discharge of an order registered in a magistrates' court

32.19.—(1) This rule applies where a maintenance order is registered in a magistrates' court under Part 1 of the 1958 Act.

(2) If the court which made the order makes an order varying or discharging that order the court officer must send a certified copy of the order of variation or discharge to the magistrates' court.

(3) If the court officer receives from the magistrates' court a certified copy of an order varying the maintenance order the court officer must—

- (a) file the copy of the order; and
- (b) enter the particulars of the variation in the place where the details required by rule 32.15(3) were entered.

Variation or discharge of an order registered in the High Court

32.20.—(1) This rule applies where a maintenance order is registered in the High Court under Part 1 of the 1958 Act.

(2) If the court officer receives from the magistrates' court a certified copy of an order varying or discharging the maintenance order the court officer must—

- (a) file the copy of the order;
- (b) enter the particulars of the variation or discharge in—
 - (i) the register; or
 - (ii) if the order is received in a district registry, the cause book or cause card; and
- (c) send notice of the variation or discharge to the court officer of a county court—
 - (i) who has notified the court officer of enforcement proceedings in that court relating to the maintenance order; or
 - (ii) to whom a payment is to be made under an attachment of earnings order made by the High Court for the enforcement of the registered order.

Cancellation of registration – orders registered in the High Court

32.21.—(1) This rule applies where an order is registered in the High Court.

(2) A person giving notice under section 5(1) of the 1958 Act must give the notice to the court officer.

(3) The court officer must take the steps mentioned in paragraph (4) if—

- (a) notice is given under section 5 of the 1958 Act; and
- (b) the court officer is satisfied, by a witness statement by the person entitled to receive payments under the order that no enforcement proceedings in relation to the order, that were started before the giving of the notice, remain in force.

(4) The court officer must, if satisfied as mentioned in paragraph (3)—

- (a) cancel the registration by entering particulars of the notice in the register or cause book (or cause card) as the case may be; and
- (b) send notice of the cancellation to—
 - (i) the court which made the order; and
 - (ii) where applicable, to the magistrates' court in which the order was registered in accordance with section 17(4) of the 1950 Act.

(5) Where the cancellation results from a notice given under section 5(1) of the 1958 Act, the court officer must state that fact in the notice of cancellation sent in accordance with paragraph (4)(b).

(6) If notice is received from a magistrates' court that the registration in that court under the 1958 Act of an order registered in the High Court in accordance with section 17(4) of the 1950 Act has been cancelled, the court officer must note the cancellation in Part II of the register.

Cancellation of registration – orders registered in a magistrates' court

32.22.—(1) Where the court gives notice under section 5(2) of the 1958 Act, the court officer must endorse the notice on the certified copy of the order of variation or discharge sent to the magistrates' court in accordance with rule 32.19(2).

(2) Where notice is received from a magistrates' court that registration of an order made by the High Court or a county court under Part 1 of the 1958 Act has been cancelled, the court officer must enter particulars of the cancellation in the place where the details required by rule 32.15(3) were entered.