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STATUTORY INSTRUMENTS

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**2010 No. 2955**

**The Family Procedure Rules 2010**

**PART 7**

**PROCEDURE FOR APPLICATIONS IN MATRIMONIAL  
AND CIVIL PARTNERSHIP PROCEEDINGS**

**CHAPTER 4**

**COURT ORDERS**

**Making decrees nisi absolute or conditional orders final by giving notice**

**7.32.**—(1) Unless rule 7.33 applies—

- (a) in matrimonial proceedings, a spouse in whose favour a decree nisi has been made may give notice to the court that he or she wishes the decree nisi to be made absolute; or
- (b) in civil partnership proceedings, a civil partner in whose favour a conditional order has been made may give notice to the court that he or she wishes the conditional order to be made final.

(2) Subject to paragraphs (3) and (4), where the court receives a notice under paragraph (1) it will make the decree nisi absolute or the conditional order final (as the case may be) if it is satisfied that—

- (a) no application for rescission of the decree nisi or the conditional order is pending;
- (b) no appeal against the making of the decree nisi or the conditional order is pending;
- (c) no order has been made by the court extending the time for bringing an appeal of the kind mentioned in sub-paragraph (b), or if such an order has been made, that the time so extended has expired;
- (d) no application for an order of the kind mentioned in sub-paragraph (c) is pending;
- (e) no application to prevent the decree nisi being made absolute or the conditional order being made final is pending;
- (f) the court has complied with section 41(1) of the 1973 Act or section 63(1) of the 2004 Act, as the case may be, and has not given any direction under subsection (2) of either of those sections;
- (g) the provisions of section 10(2) to (4) of the 1973 Act or section 48(2) to (4) of the 2004 Act do not apply or have been complied with;
- (h) any order under section 10A(2) of the 1973 Act has been complied with; and
- (i) where the decree nisi was made on the ground in section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the 1973 Act, or the conditional order was made under section 50(1)(d) of the 2004 Act—
  - (i) there is not pending a reference under section 8(5) of the Gender Recognition Act 2004 in respect of the application on which the interim gender recognition certificate to which the application relates was granted;

- (ii) that interim certificate has not been revoked under section 8(6)(b) of that Act; and
  - (iii) no appeal is pending against an order under section 8(6)(a) of that Act.
- (3) Where the notice is received more than 12 months after the making of the decree nisi or the conditional order, it must be accompanied by an explanation in writing stating—
- (a) why the application has not been made earlier;
  - (b) whether the applicant and respondent have lived together since the decree nisi or the conditional order was made, and, if so, between what dates;
  - (c) if the applicant is female, whether she has given birth to a child since the decree nisi or the conditional order was made and whether it is alleged that the child is or may be a child of the family;
  - (d) if the respondent is female, whether the applicant has reason to believe that she has given birth to a child since the decree nisi or the conditional order was made and whether it is alleged that the child is or may be a child of the family.
- (4) Where paragraph (3) applies, the court may—
- (a) require the applicant to file an affidavit verifying the explanation; and
  - (b) make such order on the application as it thinks fit, but where it orders the decree nisi to be made absolute or the conditional order to be made final that order is not to take effect until the court is satisfied that none of the matters mentioned in paragraph (2)(a) to (i) applies.