
STATUTORY INSTRUMENTS

2011 No. 1329

**The Magistrates' Courts (Enforcement or
Variation of Orders Made in Family Proceedings
and Miscellaneous Provisions) Rules 2011**

PART 6

**THE DOMESTIC PROCEEDINGS AND MAGISTRATES'
COURTS ACT 1978 AND THE CIVIL PARTNERSHIP ACT 2004**

**Applications for variation under section 20 of the Domestic Proceedings and Magistrates'
Courts Act 1978 or Schedule 6 to the Civil Partnership Act 2004**

69.—(1) The FPR shall apply to an application in a magistrates' court—

- (a) under section 20 of the Domestic Proceedings and Magistrates' Courts Act 1978(1) for the variation of an order; or
- (b) paragraphs 30 to 34 of Schedule 6 to the Civil Partnership Act 2004 for the variation of an order,

with the modifications in paragraph (2).

(2) The modifications are—

(a) in rule 9.10—

- (i) in paragraph (1), for “The” substitute “Subject to paragraph (1A), the”; and
- (ii) after paragraph (1), insert—

“(1A) Where the application is—

- (a) for the variation of an order under section 2(1)(c), 6 or 7 of the 1978 Act(2) or paragraph 2(1)(c) of or Part 2 or 3 of Schedule 6 to the 2004 Act for periodical payments in respect of a child;
- (b) the application is made by the child in question; and
- (c) the child in question is aged 16 or over,

the child does not require permission to make the application.”; and

- (b) in the table in rule 9.21 “, except an application” is omitted in both of the places where those words occur.

(1) Section 29 was amended by sections 9, 11 and 46(1) of and Schedule 1 to the Matrimonial and Family Proceedings Act 1984, section 33(4) of and Schedule 4 to the Family Law Reform Act 1987, section 108(5) and (7) of and paragraph 38 of Schedule 13 and Schedule 15 to the Children Act 1989, section 26 of and paragraph 4(1) and (3) of Schedule 3 to the Child Support, Pensions and Social Security Act 2000 (c.19) and by S.I. 1993/623.

(2) Section 6 was substituted by section 10 of the Matrimonial and Family Proceedings Act 1984 and amended by section 109(1) of and paragraph 191 of Schedule 8 to the Courts Act 2003. Section 7 was amended by section 46(1) of and paragraph 22 of Schedule 1 to the Matrimonial and Family Proceedings Act 1984.

Status: This is the original version (as it was originally made).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