
STATUTORY INSTRUMENTS

2014 No. 667

The Family Procedure (Amendment No. 2) Rules 2014

Amendments to the Family Procedure Rules 2010

13. In Chapter 6 of Part 9, after rule 9.26B, insert—

“Method of making periodical payments

9.26C.—(1) This rule applies where under section 1(4) or (4A) of the Maintenance Enforcement Act 1991⁽¹⁾ the court orders that payments under a qualifying periodical maintenance order are to be made by a particular means.

(2) The court officer will record on a copy of the order the means of payment that the court has ordered.

(3) The court officer will notify in writing the person liable to make payments under the order how the payments are to be made.

(4) Where under section 1(4A) of the Maintenance Enforcement Act 1991 the court orders payment to the court by a method of payment under section 1(5) of that Act, the court officer will notify the person liable to make payments under the order of sufficient details of the account into which payments should be made to enable payments to be made into that account.

(5) Where payments are made to the court, the court officer will give or send a receipt to any person who makes such a payment and who asks for a receipt.

(6) Where payments are made to the court, the court officer will make arrangements to make the payments to—

- (a) the person entitled to them; or
- (b) if the person entitled to them is a child, to the child or to the person with whom the child has his or her home.

(7) The Part 18 procedure applies to an application under section 1(7) of the Maintenance Enforcement Act 1991 (application from an interested party to revoke, suspend, revive or vary the method of payment).

(8) Where the court makes an order under section 1(7) of the Maintenance Enforcement Act 1991 or dismisses an application for such an order, the court officer will, as far as practicable, notify in writing all interested parties of the effect of the order and will take the steps set out in paragraphs (2), (3) and (4), as appropriate..

(9) In this rule, “interested party” and “qualifying periodical maintenance order” have the meanings given in section 1(10) of the Maintenance Enforcement Act 1991.

Court officer to notify subsequent marriage or formation of civil partnership of a person entitled to payments under a maintenance order

9.26D.—(1) This rule applies where—

(1) 1991 c. 17. Section 1(4A) was inserted by paragraph 77(5) of Schedule 10 to the Crime and Courts Act 2013 (c. 22).

- (a) there is an order of a type referred to in paragraph (4) which requires payments to be made to the court or to an officer of the court; and
- (b) the court is notified in writing by—
 - (i) the person entitled to receive payments under the order;
 - (ii) the person required to make payments under the order; or
 - (iii) the personal representative of such a person,

that the person entitled to receive payments under the order has subsequently married or formed a civil partnership.

(2) The court officer will, where practicable, notify in writing the courts referred to in paragraph (3) of the notification of the subsequent marriage or formation of a civil partnership.

(3) The courts to be notified are—

- (a) any other court which has made an order of a type referred to in paragraph (4);
- (b) in the case of a provisional order made under section 3 of the 1920 Act or section 3 of the 1972 Act, the court which confirmed the order;
- (c) if an order of a type referred to in paragraph (4) has been transmitted abroad for registration under section 2 of the 1920 Act or section 2 of the 1972 Act, the court in which the order is registered; and
- (d) any other court in which an application to enforce the order has been made.

(4) The orders are—

- (a) those to which the following provisions apply—
 - (i) section 38 of the 1973 Act;
 - (ii) section 4(2) of the 1978 Act;
 - (iii) paragraph 65 of Schedule 5 to the 2004 Act; and
 - (iv) paragraph 26(2) of Schedule 6 to the 2004 Act; and
- (b) an attachment of earnings order made to secure payments under an order referred to in sub-paragraph (a).

(5) In this rule—

“the 1920 Act” means the Maintenance Orders (Facilities for Enforcement) Act 1920(2); and

“the 1972 Act” means the Maintenance Orders (Reciprocal Enforcement) Act 1972(3).

Enforcement and apportionment where periodical payments are made under more than one order

9.26E.—(1) This rule applies where periodical payments are required to be made by a payer to a payee under more than one periodical payments order.

(2) Proceedings for the recovery of payments under more than one order may be made in one application by the payee, which must indicate the payments due under each order.

(3) Paragraphs (4) and (5) apply where any sum paid to the court on any date by a payer who is liable to make payments to the court under two or more periodical payments orders

(2) 1920 c. 33.

(3) 1972 c. 18.

is less than the total sum that the payer is required to pay to the court on that date in respect of those orders.

(4) The payment made will be apportioned between the orders in proportion to the amounts due under each order over a period of one year.

(5) If, as a result of the apportionment referred to in paragraph (4), the payments under any periodical payments order are no longer in arrears, the residue shall be applied to the amount due under the other order or, if there is more than one other order, shall be apportioned between the other orders in accordance with paragraph (4).

(6) In this rule—

“payee” means a person entitled to receive payments under a periodical payments order; and

“payer” means a person required to make payments under a periodical payments order.”.