
Notes to Accompany 18th June 2011 1st Update

Coming into force

All the amendments in this Update come into force on 18 June 2011.

Introduction

The 1st Update to the Family Procedure Rules introduces changes to support the operation of the Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations (the Maintenance Regulation).

Part 2 Application and Interpretation of the Rules

Amendments include the insertion of a definition of the Maintenance Regulation.

Part 5 Forms and Start of Proceedings

An amendment is made to disapply the provision permitting a variation of a form in relation to forms annexed to the Maintenance Regulation.

Part 6 Service

A provision is added where a document is being served in accordance with the Service Regulation to allow an applicant to file a photograph of the person to be served if the applicant considers it would assist in ensuring effective service.

Part 9 Applications for a financial remedy

Amendments are made to enable an applicant for maintenance from another Member State to apply using forms annexed to the Maintenance Regulation rather than the usual domestic forms. Rules in this Part relating to service of documents are amended to provide that the court serve where the applicant does not already know the address of the respondent so as to reduce the potential risk of familial violence to the respondent resulting from the applicant discovering the respondent's whereabouts as a result of the service process.

Provision is also made to prescribe the procedure where a respondent fails to attend a hearing to establish maintenance in cross border cases and in cases where questions as to the court's jurisdiction to make a maintenance decision arises or a stay of proceedings is sought.

Part 17 Statements of Truth

Amendment is made to the meaning of a statement of case for the purposes of Part 17.

Part 20 Interim Remedies and Security for Costs

A consequential amendment is made to the rule relating to the conditions for making an order for security of costs.

Part 32 Registration and Enforcement of Orders

The definition of the Maintenance Orders Act 1958 is moved from Part 32 to Part 2.

Part 34 Reciprocal Enforcement of Maintenance Orders

Amendments are made to the rules governing the procedures for the reciprocal enforcement of maintenance orders so as to cover proceedings under the Maintenance Regulation. Provision is also made regarding stays, documents and translations required by the court in relation to the enforcement of certain international maintenance decisions.

Chapter 2, Section 2, sub-section 1 of this Part is removed to reflect the fact that the Maintenance Regulation replaces the previous reciprocal enforcement regime between the U.K. and the Republic of Ireland.

Rules

Part 2	New text inserted in Rule 2.3(1)
Part 5	New text inserted after Rule 5.1(4)
Part 6	New text inserted after Rule 6.44(3)
Part 9	New text substituted in the Table of Contents New text inserted in the Table of Contents New text inserted after Rule 9.3(2) New text inserted after Rule 9.12(3) New text inserted after Rule 9.14(2) New text inserted after Rule 9.18(3) New text inserted after Rule 9.19(2) Rule 9.22 substituted by new Rule 9.22 New Rule 9.26A inserted
Part 17	Rule 17.1 substituted by new Rule 17.1
Part 20	New text inserted in Rule 20.7(2)(a)(ii)
Part 32	New text substituted in Rule 32.1(2)
Part 34	Text omitted from the Table of Contents New text inserted in the Table of Contents New text substituted in the Table of Contents New text substituted in Rule 34.1(5) New text inserted after Rule 34.1(5)(c) New text inserted in Rule 34.3 New text substituted in Rule 34.12(3) Text omitted in Rule 34.13 New text substituted in Rule 34.20(4) Section 2, sub-section 1 omitted New text inserted in the heading to Chapter 3 New Rule 34.28A inserted before Rule 34.29 New text inserted in Rule 34.29(a) Rule 34.29(b) substituted for new Rule 34.29(b) New Rule 34.29A inserted after Rule 34.29 Rule 34.30(2)(c) substituted by new Rule 34.30(2)(c) Rule 34.31(1)(c) substituted by new Rule 34.31(1)(c) New text substituted in Rule 34.32(1) New text inserted after Rule 34.34(2) New text substituted in Rule 34.35(3) New text inserted after Rule 34.35(3)(d) New Rule 34.36A inserted after Rule 34.36 New text inserted in the sub-heading to Chapter 3, Section 2 Rule 34.37 omitted New text substituted in Rule 34.38(1)

New text substituted in Rule 34.38(2)(a)
New text inserted in Rule 34.38(2)(b)
New text inserted in Rule 34.38(2)(c)
New text inserted in Rule 34.38(3)
New text inserted in Rule 34.38(7)
New text substituted in the words in brackets after Rule 34.38(7)
New text substituted in Rule 34.39(1)(b)
New text substituted in Rule 34.39(2)
New text substituted in Rule 34.39(3)(c)
New text inserted in Rule 34.39(4)
New text substituted in Rule 34.39(5)(b)(iii)
New Rule 34.40 inserted after Rule 34.39

