
STATUTORY INSTRUMENTS

2005 No. 2922 (L. 26)

**FAMILY PROCEEDINGS
SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS, ENGLAND AND WALES**

The Family Proceedings (Amendment) (No. 5) Rules 2005

*Made - - - - 18th October 2005
Laid before Parliament 25th October 2005
Coming into force in accordance with rule 1(2)*

The persons appointed under section 40(1) of the Matrimonial and Family Proceedings Act 1984⁽¹⁾ make the following Rules in exercise of the powers conferred by that section:

Citation, commencement and interpretation

- 1.—(1) These Rules may be cited as the Family Proceedings (Amendment) (No. 5) Rules 2005.
- (2) Rules 75 to 90 and 117(a)(vi) and (vii), (u), (y) to (bb) and 120 shall come into force on 30th December 2005 and the remainder of these Rules shall come into force on 5th December 2005.
- (3) In these Rules a reference to a rule or Appendix by number alone is a reference to the rule or Appendix so numbered in the Family Proceedings Rules 1991⁽²⁾ (“the 1991 Rules”) and a form referred to by letters or by letters and numbers means the form so designated in Appendix 1 or Appendix 1A to those Rules.

Amendments to the 1991 Rules

2. In the Arrangement of Rules—
- (a) For the heading following “PART II” substitute—

“MATRIMONIAL AND CIVIL PARTNERSHIP CAUSES”;

- (b) For the entry for rule 2.6B substitute—

(1) 1984 c. 42; section 40 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 50 and will be repealed (on a date to be appointed) by the Courts Act 2003 (c. 39), Schedule 8, paragraph 278 and Schedule 10.

(2) S.I. 1991/1247; relevant amending instruments are S.I. 1991/2113, 1992/456, 1992/20671993/295, 1994/3155, 1996/816, 1997/1056, 1998/1901, 2000/2267, 2001/821, 2003/184, 2003/2839, 2004/3375, 2005/264, 2005/412, 2005/559 and 2005/1976.

- “Supplemental: petition for nullity on ground that respondent’s gender had become acquired gender at time of marriage or civil partnership”;
- (c) for the entry for rule 2.10 substitute—
“Consent to grant of decree or civil partnership order”;
- (d) for the entry for rule 2.12A substitute—
“Supplemental: answer praying for decree or order of nullity on ground of issue of interim gender recognition certificate”;
- (e) for the entry for rule 2.12B substitute—
“Supplemental: answer praying for decree or order of nullity on ground that petitioner’s gender had become acquired gender at time of marriage or civil partnership”;
- (f) for the entry for rule 2.13A substitute—
“Supplemental: reply to answer praying for decree or order of nullity on ground relating to gender recognition”;
- (g) for the entry for rule 2.22 substitute—
“Medical examination in proceedings for nullity of marriage”;
- (h) for the entry for rule 2.26 substitute—
“Directions as to allegations under section 1(2)(b) of Act of 1973⁽³⁾ or section 44(5)(a) of Act of 2004⁽⁴⁾”
- (i) for the entry for rule 2.39 substitute—
“Procedure for complying with section 41 of Act of 1973 or section 63 of Act of 2004”;
- (j) for the entry for rule 2.44 substitute—
“Application for rescission of decree or conditional order”;
- (k) for the entry for rule 2.45 substitute—
“Application under section 10(2) of Act of 1973 or section 48(2) of Act of 2004”;
- (l) for the entry for rule 2.48 substitute—
“Rescission of decree nisi or conditional order by consent”;
- (m) for the entry for rule 2.49 substitute—
“Decree absolute or final order on lodging notice”;
- (n) for the entry for rule 2.50 substitute—
“Decree absolute or final order on application”;
- (o) after the entry for rule 2.51 insert—
“(2.51A) Indorsement and certificate of final order”;
- (p) in the entry for rule 2.51A, for “2.51A” substitute “2.51B”;
- (q) in the entry for rule 2.51AA, for “2.51AA” substitute “2.51C”;
- (r) in the entry for rule 2.51B, for “2.51B” substitute “2.51D”;
- (s) for the entry for rule 2.67 substitute—

(3) The reference is to the Matrimonial Causes Act 1973 (c. 18).

(4) The reference is to the Civil Partnership Act 2004 (c. 33).

- “Request for periodical payments order at same rate as order for maintenance pending suit or outcome of proceedings”;
- (t) for the entry for rule 2.68 substitute—
“Application for order under section 37(2)(a) of Act of 1973 or paragraph 74(2) of Schedule 5 to Act of 2004”;
- (u) for the entry for rule 3.5 substitute—
“Application of other rules to proceedings under section 35 or 36 of Act of 1973 or under paragraph 69 or 73 of Schedule 5 to Act of 2004”;
- (v) for the entry for rule 3.6 substitute—
“Married Women’s Property Act 1882(5) or section 66 of Act of 2004”;
- (w) for the entry for rule 3.7 substitute—
“Exercise in principal registry of county court jurisdiction under section 17 of Married Women’s Property Act 1882 or under section 66 of Act of 2004”;
- (x) after the entry for rule 3.12 insert—
“3.12A. Application under section 58 of Act of 2004 for declaration as to civil partnership status”;
- (y) for the entry for rule 3.17 substitute—
“Application for leave under section 13 of Act of 1984 or under paragraph 4 of Schedule 7 to Act of 2004”;
- (z) for the entry for rule 3.18 substitute—
“Application for order for financial relief or avoidance of transaction order under Part III of Act of 1984 or under Schedule 7 to Act of 2004”;
- (aa) for the entry for rule 3.19 substitute—
“Application for order under section 24 of Act of 1984 or paragraph 17 of Schedule 7 to Act of 2004 preventing transaction”;
- (bb) after the entry for rule 3.20 insert—
“3.20A. Consent to registration of civil partnership of child”;
- (cc) for the entry for rule 6.18A substitute “6.18”;
- (dd) for the entry for rule 7.6 substitute—
“Special provisions as to judgment summonses in designated county courts”;
- (ee) for the entry for rule 10.14 substitute—
“Evidence of marriage or overseas relationship outside England and Wales”;
- (ff) for the entry for rule 10.22 substitute—
“Practice to be observed in district registries and designated county courts”;
- 3.** In rule 1.2—
- (a) In paragraph (1)—
- (i) after “the Child Support Act 1991(6),” insert—
““the Act of 2004” means the Civil Partnership Act 2004;”;
- (ii) in the definition of “ancillary relief”, after paragraph (c) insert—

(5) 1882 c. 75. Section 17 has been amended by Statute Law (Repeals) Act 1969 (c. 52) and the Matrimonial and Family Proceedings Act 1984 (c. 42), section 43.

(6) 1991 c. 48.

- “(ca) an order for maintenance pending outcome of proceedings;”;
- (iii) for the definition of “avoidance of disposition order” substitute—
- ““avoidance of disposition order” means—
- (a) in matrimonial proceedings, an order under section 37(2)(b) or (c) of the Act of 1973, and
 - (b) in civil partnership proceedings, an order under paragraph 74(3) or (4) of Schedule 5 to the Act of 2004;”;
- (iv) for the definition of “cause” substitute—
- ““cause” means—
- (a) a matrimonial cause or a civil partnership cause, or
 - (b) proceedings under section 19 of the Act of 1973 (presumption of death and dissolution of marriage), or
 - (c) proceedings under section 55 of the Act of 2004 (presumption of death);”;
- (v) for the definition of “child” and “child of the family” substitute—
- ““child”, except in Part IV, in relation to one or both of the parties to a marriage or civil partnership, includes an illegitimate child of that party or, as the case may be, of both parties;
- “child of the family” has, except in Part IV, the meaning assigned to it by section 105(1) of the Act of 1989(7);
- “civil partnership cause” has the meaning assigned to it by section 32 of the Act of 1984;
- “civil partnership order” means one of the orders mentioned in section 37 of the Act of 2004;
- “civil partnership proceedings county court” means a county court so designated by the Lord Chancellor under section 36A of the Act of 1984;”;
- (vi) for the definition of “consent order” substitute—
- ““consent order” means—
- (a) in matrimonial proceedings, an order under section 33A of the Act of 1973, and
 - (b) in civil partnership proceedings, an order under paragraph 66 of Schedule 5 to the Act of 2004;”;
- (vii) for the definition of “court of trial” substitute—
- ““court of trial” means—
- (a) in matrimonial proceedings, a divorce county court designated by the Lord Chancellor as a court of trial pursuant to section 33(1) of the Act of 1984, and
 - (b) in civil partnership proceedings, a civil partnership proceedings county court designated by the Lord Chancellor as a court of trial pursuant to section 36A(1)(b) of the Act of 1984, and
- in matrimonial proceedings pending in a divorce county court or in civil partnership proceedings pending in a civil partnership proceedings county

(7) The reference is to the Children Act 1989 (c. 41). Section 105(1) as amended by the Civil Partnership Act 2004, section 263(2).

court, the principal registry shall be treated as a court of trial having its place of sitting at the Royal Courts of Justice;”;

(viii) after the definition of “defended cause” insert—

““designated county court” means a court designated as—

- (a) a divorce county court, or
- (b) a civil partnership proceedings county court, or
- (c) both a divorce county court and a civil partnership proceedings county court;

“dissolution town”, in relation to any civil partnership proceedings, means a place at which sittings of the High Court are authorised to be held outside the Royal Courts of Justice for the hearing of such proceedings or proceedings of the class to which they belong;”;

(ix) for the definition of “district registry” substitute—

““district registry”, except in rule 4.22(2A), means—

- (a) in matrimonial proceedings, any district registry having a divorce county court within its district;
- (b) in civil partnership proceedings, any district registry having a civil partnership proceedings county court within its district; and
- (c) in any other case, any district registry having a designated county court within its district”;

(x) for the definition of “financial provision order” substitute—

““financial provision order” means—

- (a) in matrimonial proceedings, any of the orders mentioned in section 21(1) of the Act of 1973, except an order under section 27(6) of that Act, and
- (b) in civil partnership proceedings, any of the orders mentioned in paragraph 2(1) of Schedule 5 to the Act of 2004, made under Part 1 of Schedule 5 to that Act;”;

(xi) for the definition of “financial relief” substitute—

““financial relief” has—

- (a) in matrimonial proceedings, the meaning assigned to it by section 37 of the Act of 1973, and
- (b) in civil partnership proceedings, the meaning assigned to it by paragraph 74 of Schedule 5 to the Act of 2004;”;

(xii) after the definition of “judge” insert—

““matrimonial cause” has the meaning assigned to it by section 32 of the Act of 1984;”;

(xiii) after the definition of “officer of the service” insert—

““order for maintenance pending outcome of proceedings” means an order under paragraph 38 of Schedule 5 to the Act of 2004;”;

(xiv) for the definition of “property adjustment order” substitute—

““property adjustment order” means—

- (a) in matrimonial proceedings, any of the orders mentioned in section 21(2) of the Act of 1973, and

- (b) in civil partnership proceedings, any of the orders mentioned in paragraph 7(1) of Schedule 5 to the Act of 2004;”;
 - (xv) for ““registry for the divorce town”” substitute ““registry for the divorce town or dissolution town””;
 - (xvi) in the definition of “Royal Courts of Justice”, after “divorce county court”, insert “or civil partnership proceedings pending in a civil partnership proceedings county court”;
 - (xvii) in paragraph (iv) and (v) of the definition of “undefended cause”, after “decree” insert “or civil partnership order, as the case may be.”;
 - (xviii) for the definition of “variation order” substitute—
 - ““variation order” means—
 - (a) in matrimonial proceedings, an order under section 31 of the Act of 1973, and
 - (b) in civil partnership proceedings, an order under Part 11 of Schedule 5 to the Act of 2004.”;
 - (b) in paragraph (2), for the words after “decree” substitute—
 - “or civil partnership order has been made on the petition, or it has been otherwise finally disposed of.”;
 - (c) for paragraph (6) substitute—
 - “(6) References in these rules to a county court shall—
 - (a) in matrimonial proceedings, be construed as references to a divorce county court, and
 - (b) in civil partnership proceedings, be construed as references to a civil partnership proceedings county court.”; and
 - (d) after paragraph (7) insert—
 - “(8) In this rule and in rule 1.4, “civil partnership proceedings” means proceedings of a kind with respect to which civil partnership proceedings county courts have jurisdiction by or under section 36A, 36B or 36C of the Act of 1984.
 - (9) In these Rules—
 - (a) a reference to a conditional order is a reference to an order made under Chapter 2 of Part 2 of the Act of 2004 of a kind mentioned in section 37(1) (a), (b) or (c) of that Act which has not been made final; and
 - (b) except in rule 8.1 and 8.1A, a reference to a final order is a reference to such an order which has been made final.”.
- 4. In rule 1.4—**
- (a) for paragraph (1) substitute—
 - “(1) Subject to the provisions of these rules—
 - (a) matrimonial proceedings pending at any time in the principal registry which, if they had been begun in a divorce county court, would be pending at that time in such a court, shall be treated, for the purposes of these rules and of any provision of the County Court Rules 1981 and the County Courts Act 1984, as pending in a divorce county court and not in the High Court, and
 - (b) civil partnership proceedings pending at any time in the principal registry which, if they had been begun in a civil partnership proceedings county court, would be pending at that time in such a court, shall be treated, for the purposes

of these rules and of any provision of the County Court Rules 1981(8) and the County Courts Act 1984(9), as pending in a civil partnership proceedings county court and not in the High Court.”; and

(b) in paragraph (2)—

(i) after “a divorce county court” the first time it appears insert “or a civil partnership proceedings county court or a designated county court”;

(ii) omit “a divorce county court” the second time it appears; and

(iii) after “to or from” insert “, ”.

5. For the heading following “PART II” substitute “MATRIMONIAL AND CIVIL PARTNERSHIP CAUSES”.

6. In rule 2.1—

(a) after paragraph (b), omit “and” and insert—

“(c) to applications under Schedule 5 to the Act of 2004 except Part 9, Part 12 and paragraphs 69 and 73 of that Schedule; and”;

(b) for “(c)” substitute “(d)”;

(c) after “section 41 of the Act of 1973” insert “and section 63 of the Act of 2004”.

7. In rule 2.2(2)—

(a) after “nullity” insert “of marriage”; and

(b) after “judicial separation” insert “, or for dissolution, nullity of civil partnership or separation,”.

8. In rule 2.6—

(a) for paragraph (1) substitute—

“(1) A petition may be presented—

(a) in a matrimonial cause, to any divorce county court, and

(b) in a civil partnership cause, to any civil partnership proceedings county court.”;

(b) in paragraph (2), after “marriage” insert “or civil partnership”;

(c) in paragraph (3), after “judicial separation” insert “or dissolution or separation”;

(d) in paragraph (4)—

(i) for “Where” substitute “In a matrimonial cause, where”; and

(ii) for “disposed of by a final order” substitute “finally disposed of”;

(e) after paragraph (4) insert—

“(4A) In a civil partnership cause, where there is before a civil partnership proceedings county court or the High Court a petition which has not been dismissed or otherwise finally disposed of, another petition by the same petitioner in respect of the same civil partnership shall not be presented without leave granted on an application made in the pending proceedings:

But no such leave shall be required where it is proposed, after the expiration of the period of one year from the date of the civil partnership, to present a petition for

(8) S.I. 1981/1687. These Rules were replaced by the Civil Procedure Rules 1999 (S.I. 1998/3132) but rule 3 of the Family Proceedings (Miscellaneous Amendments) Rules 1999 (S.I. 1999/1012) provides that a reference to those Rules in the Family Proceedings Rules is a reference to them as in force immediately before 26th April 1999.

(9) 1984 c. 28.

dissolution alleging such of the facts mentioned in section 44(5) of the Act of 2004 as were alleged in a petition for separation presented before the expiration of that period.”; and

(f) for paragraph (6) substitute—

“(6) CCR Order 3, rule 4(2) (which, as applied by rule 5 of that Order, deals with the filing and service of petitions) shall not apply, but on the filing of the petition the proper officer shall annex to every copy of the petition for service a notice—

(a) in a matrimonial cause, in Form M5 with Form M6 attached, and

(b) in a civil partnership cause, in Form M5A with Form M6A attached,

and shall also annex to the copy petition for service on a respondent the copy of any statement and report filed pursuant to paragraph (5) of this rule.”.

9. In rule 2.6A—

(a) in paragraph (1), for the words after “petition” to the end of the paragraph substitute—

“—

(a) for nullity of marriage under section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the Act of 1973, and

(b) for nullity of civil partnership under section 50(1)(d) of the Act of 2004.”; and

(b) in paragraph (4), for the words after “pending” substitute—

“.

(5) Where a copy of an interim certificate has been filed under paragraph (2) the notice given under paragraph (3) must be accompanied by a copy of the certificate.

(6) Where a copy of the certificate has not been filed under paragraph (2) the notice given under paragraph (3) must also state—

(a) in a matrimonial cause—

(i) the names of the parties to the marriage and the date and place of the marriage, and

(ii) the last address at which the parties to the marriage lived together as husband and wife;

(b) in a civil partnership cause—

(i) the names of the parties to the civil partnership and the date on, and the place at which, the civil partnership was formed, and

(ii) the last address at which the parties to the civil partnership lived together as civil partners of each other; and

(c) in any case, such further particulars as the proper officer considers appropriate.”.

10. In rule 2.6B—

(a) in the heading, after “marriage” insert “or civil partnership”.

(b) in the rule—

(i) after “nullity” insert “of marriage”; and

(ii) after “the Act of 1973” insert “or a petition for nullity of civil partnership is brought under section 50(1)(e) of the Act of 2004”.

11. In rule 2.9—

- (a) in paragraph (5)(a), after “Form M6” insert “or Form M6A, as the case may be,”;
 - (b) in paragraph (6A)—
 - (i) in sub-paragraph (a), after “decree” the first time it appears insert “or civil partnership order, as the case may be,”;
 - (ii) for sub-paragraph (b), substitute—
 - “(b) no other relevant fact is alleged,”; and
 - (iii) after “decree” the second time it appears insert “or order”; and
 - (c) after paragraph (6A) insert—
 - “(6B) In this rule a relevant fact is—
 - (a) in a matrimonial cause, one of the facts mentioned in section 1(2) of the Act of 1973, and
 - (b) in a civil partnership cause, one of the facts mentioned in section 44(5) of the Act of 2004.”.
- 12.** In rule 2.9A—
- (a) in paragraph (1), after “nullity” insert “of marriage”;
 - (b) after paragraph (1), insert—
 - “(1A) This rule also applies where a petition for nullity of civil partnership is brought under—
 - (a) section 50(1)(d) of the Act of 2004 and an interim gender recognition certificate has been issued to the respondent,
 - (b) section 50(1)(e) of the Act of 2004 and a full gender recognition certificate has been issued to the respondent.”; and
 - (c) in paragraph (2), after “Form M6” insert “or Form M6A, as the case may be,”.
- 13.** In rule 2.10—
- (a) in the heading, after “decree” insert “or civil partnership order”;
 - (b) in the rule after “decree”, wherever it appears, insert “or civil partnership order”;
 - (c) in paragraph (2), for “none of the other facts mentioned in section 1(2) of the Act of 1973” substitute “no other relevant fact”; and
 - (d) after paragraph (2) insert—
 - “(3) In this rule a relevant fact is—
 - (a) in a matrimonial cause, one of the facts mentioned in section 1(2) of the Act of 1973, and
 - (b) in a civil partnership cause, one of the facts mentioned in section 44(5) of the Act of 2004.”.
- 14.** In rule 2.12—
- (a) in paragraph (1)(c)—
 - (i) after “the Act of 1973” insert “, or section 47(1) of the Act of 2004, as the case may be,”; and
 - (ii) after “decree” insert “or civil partnership order”; and
 - (b) in paragraph (4), after “the Act of 1973” insert “or under section 50(1)(b) of the Act of 2004”.
- 15.** In rule 2.12A—

- (a) in the heading, after “decree” insert “or order”;
- (b) in paragraph (1), after “nullity” insert “of marriage”;
- (c) after paragraph (1) insert—
 - “(1A) This rule also applies to an answer under rule 2.12(1) which prays for an order for nullity of civil partnership under section 50(1)(d) of the Act of 2004.”; and
- (d) in paragraph (4), for the words after “pending” substitute—

“.

(5) Where a copy of an interim certificate has been filed under paragraph (2) the notice given under paragraph (3) must be accompanied by a copy of the certificate.

(6) Where a copy of the certificate has not been filed under paragraph (2) the notice given under paragraph (3) must also state—

- (a) in a matrimonial cause—
 - (i) the names of the parties to the marriage and the date and place of the marriage, and
 - (ii) the last address at which the parties to the marriage lived together as husband and wife, and
- (b) in a civil partnership cause—
 - (i) the names of the parties to the civil partnership and the date on which and the place at which the civil partnership was formed,
 - (ii) the last address at which the parties to the civil partnership lived together as civil partners of each other, and
- (c) in any case, such further particulars as the proper officer considers appropriate.”.

16. In rule 2.12B—

- (a) in the heading—
 - (i) after “decree” insert “or order”; and
 - (ii) after “marriage” insert “or civil partnership”;
- (b) after “nullity” insert “of marriage”; and
- (c) after “the Act of 1973” insert “or an order for nullity of civil partnership under section 50(1)(e) of the Act of 2004”.

17. In rule 2.13(2), after “decree” insert “or civil partnership order”.

18. In rule 2.13A—

- (a) in the heading, after “decree” insert “or order”;
- (b) in paragraph (1), after “nullity” insert “of marriage”; and
- (c) after paragraph (1) insert—
 - “(1A) This rule also applies where an answer is filed under rule 2.12(1) which prays for an order of nullity of civil partnership under—
 - (a) section 50(1)(d) of the Act of 2004 and an interim gender recognition certificate has been issued to the petitioner;
 - (b) section 50(1)(e) of the Act of 2004 and a full gender recognition certificate has been issued to the petitioner.”.

19. In rule 2.15—

- (a) in paragraph (1), after “husband or wife” insert “or a civil partner, as the case may be”; and
- (b) in paragraph (2)—
 - (i) after “husband or wife” insert “or a civil partner”; and
 - (ii) after “(g)” insert “,(ga)”.

20. In rule 2.17, for the words after “notice” substitute—

“—

- (a) in a matrimonial cause, in Form M5 with Form M6 attached, and
- (b) in a civil partnership cause, in Form M5A with Form M6A attached,

and shall send a copy to every other opposite party.”.

21. In rule 2.21(3), for “divorce county court” substitute “designated county court”.

22. In rule 2.22, for the heading substitute “Medical examination in proceedings for nullity of marriage”.

23. In rule 2.24—

- (a) in paragraph (1)(e), after “nullity” insert “of marriage”;
- (b) in paragraph (2), for “divorce county court” substitute “designated county court”;
- (c) for paragraph (3) substitute—

“(3) Where—

- (a) the cause is an undefended cause for divorce or judicial separation or nullity of marriage under section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the Act of 1973 and, in a case to which section 1(2)(d) of the Act of 1973 applies, the respondent has filed a notice under rule 2.10(1) that he consents to the grant of a decree, or
- (b) the cause is an undefended cause for dissolution or separation or nullity of civil partnership under section 50(1)(d) of the Act of 2004 and, in a case to which section 44(5)(b) of the Act of 2004 applies, the respondent has filed a notice under rule 2.10(1) that he consents to the grant of a civil partnership order,

then, unless otherwise directed, there shall be filed with the request for directions for trial an affidavit by the petitioner in accordance with the requirements set out in paragraph (3A), and the district judge shall give directions for trial by entering the cause in a list to be known as the special procedure list.

(3A) An affidavit filed under paragraph (3) must—

- (a) contain the information required by Form M7(a), (b), (c), (d), (e), (f) or (g) (whichever is appropriate) as near as may be in the order there set out, together with any corroborative evidence on which the petitioner intends to rely, and
 - (b) verify, with such amendments as the circumstances may require, the contents of any statement of arrangements filed by the petitioner under rule 2.2(2).”;
- (d) in paragraph (6), for “(3)(b)” substitute “(3A)(b)”; and
 - (e) in paragraph (7), after “(3)” insert “, (3A)”.

24. In rule 2.26, in the heading, after “Act of 1973” insert “or section 44(5)(a) of Act of 2004”.

25. After rule 2.27 insert—

“Stay under the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules 2005

2.27AA.—(1) An application to the court by the petitioner or respondent in proceedings for a dissolution order for an order under rule 3 of the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules 2005(10) (in this rule referred to as the “Staying of Proceedings Rules”) shall be made to the district judge, who may determine the application or refer the application, or any question arising thereon, to a judge for his decision as if the application were an application for ancillary relief.

(2) An application for an order under rule 4 of the Staying of Proceedings Rules shall be made to a judge.

(3) Where, on giving directions for trial, it appears to the district judge from any information given pursuant to paragraph 1(j) of Appendix 2 or rule 2.15(4) or paragraph (5) of this rule that any proceedings which are in respect of the civil partnership in question or which are capable of affecting its validity or subsistence are continuing in any country outside England and Wales and he considers that the question whether the proceedings on the petition should be stayed under rule 4 of the Staying of Proceedings Rules ought to be determined by the court, he shall fix a date, time and place for the consideration of that question by a judge and give notice thereof to all parties.

(4) In paragraph (3), the reference to “proceedings continuing in any country outside England and Wales” has the same meaning as in paragraph 1(j) of Appendix 2.

(5) Any party who makes a request for directions for trial in civil partnership proceedings within the meaning of rule 1(2) of the Staying of Proceedings Rules shall, if there has been a change in the information given pursuant to paragraph 1(j) of Appendix 2 and rule 2.15(4), file a statement giving particulars of the change.

(6) An application by a party to the proceedings for an order under rule 5 of the Staying of Proceedings Rules may be made to the district judge, and he may determine the application or may refer the application, or any question arising thereon, to a judge as if the application were an application for ancillary relief.”

26. In rule 2.30—

(a) for paragraph (1) substitute—

“(1) A witness summons in a cause pending in a designated county court may be issued in that court or in the court of trial at which the cause is to be tried.”; and

(b) in paragraph (2), after “divorce town” insert “or a dissolution town”.

27. In rule 2.32—

(a) in paragraph (2), for “divorce county court” substitute “designated county court”;

(b) in paragraph (3), after “Any” insert “matrimonial”;

(c) after paragraph (3) insert—

“(3A) Any civil partnership cause begun by petition which is pending in the High Court may be tried at the Royal Courts of Justice or at any dissolution town.”;

(d) in paragraph (4), for “A” substitute “In a matrimonial cause, a”;

(e) after paragraph (4), insert—

“(4A) In a civil partnership cause, a judge or the district judge of the registry for the dissolution town at which any cause has been set down for trial may, where it appears to him that the cause cannot conveniently be tried at that town, order that it be tried at

- some other dissolution town and rule 10.10(4) and (5) shall apply to such an order as it applies to an order under paragraph (1) of that rule.”;
- (f) in paragraph (5), for “divorce county court” substitute “designated county court”; and
- (g) in paragraph (6)—
- (i) after “the divorce town”, wherever it appears, insert “or the dissolution town”; and
- (ii) after “a divorce town” insert “or a dissolution town”.
- 28.** In rule 2.34(1), after “divorce town” insert “or the dissolution town”.
- 29.** In rule 2.36—
- (a) in paragraph (1) and (2), after “decree”, wherever it appears, insert “or civil partnership order, as the case may be,”;
- (b) in paragraph (4), after “decree” insert “or civil partnership order”; and
- (c) after paragraph (4) insert—
- “(5) Paragraph (4) does not apply to a certificate which relates to—
- (a) a decree of nullity of marriage under section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the Act of 1973, or
- (b) an order for nullity of civil partnership under section 50(1)(d) of the Act of 2004,
- unless the court has given leave.”.
- 30.** In rule 2.37(3)—
- (a) after “judicial separation” insert “or a conditional order of dissolution or an order of separation,”; and
- (b) after “decree” insert “or civil partnership order, as the case may be,”.
- 31.** In rule 2.38(2), after “Act of 1973” insert “or under section 63(1) of the Act of 2004, as the case may be”.
- 32.** In rule 2.39—
- (a) in the heading, after “Act of 1973” insert “or section 63 of Act of 2004”;
- (b) in paragraph (1), after “the Act of 1973” insert “or in section 63(1) of the Act of 2004, as the case may be,” ;
- (c) in paragraph (2)—
- (i) for sub-paragraph (a) substitute—
- “(a) there are no children of the family to whom—
- (i) in a matrimonial cause, section 41 of the Act of 1973 applies; or
- (ii) in a civil partnership cause, section 63 of the Act of 2004 applies, or”;
- and
- (ii) in sub-paragraph (b), for “any direction under section 41(2) of the Act of 1973”, substitute “a relevant direction”;
- (d) in paragraph (3), for “section 41(2) of the Act of 1973” substitute “his power to give a relevant direction”;
- (e) in paragraph (4), for “direction under section 41(2) of the Act of 1973” substitute “relevant direction”; and
- (f) for paragraph (5) substitute—
- “(5) In this rule—

- (a) “parties” means the petitioner, the respondent and any person who appears to the court to have the care of the child; and
- (b) “relevant direction” means a direction—
 - (i) in a matrimonial cause, under section 41(2) of the Act of 1973, and
 - (ii) in a civil partnership cause, under section 63(2) of the Act of 2004.”.

33. In rule 2.41, for “divorce county court”, wherever it appears, substitute “designated county court”.

34. In rule 2.42—

- (a) in paragraph (1), for “divorce county court” substitute “designated county court”; and
- (b) in paragraph (8)—
 - (i) after “marriage” insert “or a final order of dissolution or nullity of civil partnership”;
 - (ii) after “was founded” insert “or the conditional order on which the final order was founded, as the case may be,”; and
- (c) in paragraph (10), after “decree” insert “or civil partnership order, as the case may be,”.

35. In rule 2.43—

- (a) in paragraph (1)—
 - (i) for “every order made in open court” substitute “every civil partnership order, every other order made in open court”;
 - (ii) in sub-paragraph (a), for “divorce county court” substitute “designated county court”; and
 - (iii) in sub-paragraph (c), after “divorce town” insert “or at a dissolution town”.
- (b) in paragraph (2)—
 - (i) after “decree” insert “or civil partnership order”; and
 - (ii) for “divorce county court” substitute “designated county court”.

36. In rule 2.44—

- (a) in the heading, after “decree” insert “or conditional order”; and
- (b) for paragraph (1), substitute—
 - “(1) An application by a respondent—
 - (a) under section 10(1) of the Act of 1973 for the rescission of a decree of divorce, or
 - (b) under section 48(1) of the Act of 2004 for the rescission of a conditional order of dissolution,

shall be made to a judge and shall be heard in open court, save that where the decree or civil partnership order was pronounced by a district judge the application shall be made to a district judge.”.

37. In rule 2.45—

- (a) in the heading, after “Act of 1973” insert “or section 48(2) of Act of 2004”;
- (b) in paragraph (1)—
 - (i) after “for divorce” insert “or dissolution”; and
 - (ii) for “the divorce” substitute “that divorce or dissolution”;
- (c) in paragraph (5)—

- (i) for “Where” substitute “In a matrimonial cause, where”; and
 - (ii) for “2.51B” substitute “2.51D”;
 - (d) after paragraph (5), insert—
 - “(5A) In a civil partnership cause, where the petitioner has relied on the fact of two or five years separation and the court has granted a conditional order without making any finding as to any other fact mentioned in section 44(5) of the Act of 2004, rules 2.51D to 2.70 and 10.10 shall apply as if the application were an application for ancillary relief and, unless the context otherwise requires, those rules shall be read as if all references to Form A were references to Form B.”;
 - (e) in paragraph (6), for “A” substitute “In a matrimonial cause, a”; and
 - (f) after paragraph (6) insert—
 - “(6A) In a civil partnership cause, a statement of any of the matters mentioned in section 48(4) of the Act of 2004 with respect to which the court is satisfied, or, where the court has proceeded under section 48(5) of that Act, a statement that the conditions for which that subsection provides have been fulfilled, shall be entered in the records of the court.”.
- 38.** In rule 2.46—
- (a) for paragraph (1) substitute—
 - “(1) If the Queen’s Proctor wishes to show cause—
 - (a) against a decree nisi being made absolute, or
 - (b) against a conditional order being made final,he shall give notice to that effect to the court and to the party in whose favour it was pronounced.”;
 - (b) in paragraph (2)—
 - (i) after “the decree”, the first time it appears, insert “or civil partnership order, as the case may be,”; and
 - (ii) for “the decree”, the second time it appears, substitute “that decree or order”;
 - (c) in paragraph (5), after “decree” insert “or civil partnership order”; and
 - (d) in paragraph (6), after “decree nisi” insert “or the conditional order”.
- 39.** In rule 2.47—
- (a) for paragraph (1) substitute—
 - “(1) If any person other than the Queen’s Proctor wishes to show cause—
 - (a) under section 9 of the Act of 1973 against a decree nisi being made absolute, or
 - (b) under section 40 of the Act of 2004 against a conditional order being made final,he shall file an affidavit stating the facts on which he relies and a copy shall be served on the party in whose favour the decree or conditional order, as the case may be, was pronounced.”;
 - (b) in paragraph (6), after “decree nisi” insert “or the conditional order”; and
 - (c) in paragraph (7), after “decree” insert “or order”.
- 40.** In rule 2.48—
- (a) in the heading, after “decree nisi” insert “or conditional order”;

- (b) for paragraph (1) substitute—
 - “(1) Where a reconciliation has been effected between the petitioner and the respondent—
 - (a) in a matrimonial cause—
 - (i) after a decree nisi has been pronounced but before it has been made absolute, or
 - (ii) after a decree of judicial separation has been pronounced; and
 - (b) in a civil partnership cause—
 - (i) after a conditional order has been made but before it has been made final, or
 - (ii) after a separation order has been made,
 - either party may apply for an order rescinding that decree or order by consent.”; and
- (c) in paragraph (2)—
 - (i) for “divorce county court” substitute “designated county court”;
 - (ii) after “spouse” insert “or civil partner, as the case may be,”; and
 - (iii) after “decree” insert “or civil partnership order”.

41. In rule 2.49—

- (a) in the heading, after “Decree absolute” insert “or final order”;
- (b) for paragraph (1) substitute—
 - “(1) Subject to rule 2.50(1) an application by—
 - (a) a spouse to make absolute a decree nisi pronounced in his favour, or
 - (b) a civil partner to make final a conditional order made in his favour,
- may be made by lodging with the court a notice in Form M8.”;
- (c) in paragraph (2)—
 - (i) in sub-paragraphs (a) and (b), after “decree”, wherever it appears insert “or the conditional order”;
 - (ii) in sub-paragraph (e), at the beginning of the sub-paragraph, insert “if the cause is a matrimonial cause,”
 - (iii) after sub-paragraph (e), insert—
 - “(ea) if the cause is a civil partnership cause, that the court has complied with section 63(1) of the Act of 2004 and has not given any direction under section 63(2),”;
 - (iv) in sub-paragraph (f), after “decree” insert “or the conditional order, as the case may be”;
 - (v) in sub-paragraph (g), at the beginning of the sub-paragraph insert “if the cause is a matrimonial cause,”;
 - (vi) after sub-paragraph (g) insert—
 - “(ga) if the cause is a civil partnership cause, that the provisions of section 48(2) to (5) of the Act of 2004 do not apply or have been complied with,”;
 - (vii) in sub-paragraph (i), after “the Act of 1973” insert “or the conditional order was made on the ground in section 50(1)(d) of the Act of 2004, as the case may be”;

- (viii) after “the district judge shall make the decree absolute” insert “the district judge shall make the decree absolute or the conditional order final”;
- (ix) in the part of paragraph (2) which begins “Provided that”, after “decree nisi”, wherever it appears, insert “or the conditional order”;
- (x) after “(c)”, the second time it appears, insert “if the cause is a matrimonial cause,”; and
- (xi) at the end of paragraph (c), insert—
 - “or
 - (d) if the cause is a civil partnership cause, stating whether either of the civil partners has, or whether the applicant has reason to believe that the respondent has, given birth to any child since the conditional order and, if so, stating the relevant facts and whether or not it is alleged that the child is or may be a child of the family;”.

42. In rule 2.50—

- (a) in the heading, after “Decree absolute” insert “or final order”;
- (b) in paragraph (1)—
 - (i) after “decree nisi to be made absolute” insert “or a conditional order to be made final”;
 - (ii) in sub-paragraph (a), at the beginning of the sub-paragraph, insert “in a matrimonial cause,”;
 - (iii) after sub-paragraph (a) insert—
 - “(aa) in a civil partnership cause, where the Queen’s Proctor gives to the court and to the party in whose favour the conditional order was made a notice that he requires more time to decide whether to show cause against the conditional order being made final and the notice has not been withdrawn, or”;
 - (iv) in sub-paragraph (b), after “made absolute” insert “or the conditional order is made final”;
 - (v) for “divorce county court” substitute “designated county court”; and
 - (vi) after “sub-paragraph (a)”, insert “or (aa)”;
- (c) for paragraph (2) substitute—
 - “(2) An application—
 - (a) by a spouse for a decree nisi pronounced against him to be made absolute may be made to a judge or the district judge, and the summons by which the application is made (or, where the cause is pending in a divorce county court, notice of the application) shall be served on the other spouse not less than four clear days before the day on which the application is heard, or
 - (b) by a civil partner for a conditional order pronounced against him to be made final may be made to a judge or the district judge, and the summons by which the application is made (or, where the cause is pending in a civil partnership proceedings county court, notice of the application) shall be served on the other civil partner not less than four clear days before the day on which the application is heard.”.

43. After rule 2.51, insert—

“Indorsement and certificate of final order

2.51A.—(1) Where a conditional order is made final, the proper officer shall make an indorsement to that effect on the order, stating the precise time at which it was made final.

(2) On a conditional order being made final, the proper officer shall send to the petitioner and respondent a copy of the order in Form M9A or M10A whichever is appropriate making the conditional order final, authenticated by the seal of the civil partnership proceedings county court or registry from which it is issued.

(3) A central index of final orders shall be kept under the control of the principal registry and any person shall be entitled to require a search to be made of that index, and to be furnished with a certificate of the result of the search, on payment of the prescribed fee.

(4) A certificate in Form M9A or M10A that a conditional order has been made final shall be issued to any person requiring it on payment of the prescribed fee.”.

44.—(1) Renumber rule 2.51A as rule 2.51B.

(2) in paragraph (1), substitute—

“(1) The procedures set out in rules 2.51D to 2.70 (“the ancillary relief rules”) apply to—

- (a) any ancillary relief application,
- (b) any application under section 10(2) of the Act of 1973, and
- (c) any application under section 48(2) of the Act of 2004.”.

45. Renumber rule 2.51AA as rule 2.51C.

46. Renumber rule 2.51B as rule 2.51D.

47. In rule 2.53, after paragraph (1)(a) insert—

“(aa) an order for maintenance pending outcome of proceedings,”.

48. In rule 2.54(1)(d), for “section 30(1)(a)” substitute “section 31(1)(a)”.

49. In rule 2.57(1), for “divorce county court” substitute “designated county court”.

50. In rule 2.61(1)—

- (a) after “the Act of 1973” insert “, or Parts 1, 2 and 3 of Schedule 5 to the Act of 2004,”;
- (b) in sub-paragraph (a), after “marriage” insert “or civil partnership, as the case may be”;
- (c) for sub-paragraph (d) substitute—
 - “(d) whether either party has subsequently married or formed a civil partnership or has any present intention to do so or to cohabit with another person;”;
- (d) in sub-paragraph (dd), after “the Act of 1973” insert “or under paragraphs 15, 25 or 26 of Schedule 5 to the Act of 2004”.

51. In rule 2.61A—

- (a) in paragraph (2), for “divorce county court” substitute “designated county court,”; and
- (b) in paragraph (3), after “the Act of 1973” insert “or under paragraphs 15, 25 or 26 of Schedule 5 to the Act of 2004”.

52. In rule 2.61D(2)(f), for paragraph (f)(iii) substitute—

“(iii) in a matrimonial cause, in a case where an order for ancillary relief is requested that includes provision to be made under section 24B, 25B or 25C of the Act 1973, direct any party with pension rights to file and serve a Pension Inquiry Form (Form P), completed in full or in part as the court may direct;

- (iv) in a civil partnership cause, in a case where an order for ancillary relief is requested that includes provision to be made under paragraphs 15, 25 or 26 of Schedule 5 to the Act of 2004, direct any civil partner with pension rights to file and serve a Pension Inquiry Form (Form P), completed in full or in part as the court may direct.”.

53. In rule 2.66—

- (a) in paragraph (3), for “Where” substitute “In a matrimonial cause, where”; and
- (b) after paragraph (3) insert—

“(3A) In a civil partnership cause, where an application is proceeding in a civil partnership proceedings county court which is not a court of trial or pending in the High Court and proceeding in a district registry which is not in a dissolution town, the hearing or consideration shall take place at such court of trial or dissolution town as in the opinion of the district judge is the nearest or most convenient.

For the purposes of this paragraph the Royal Courts of Justice shall be treated as a dissolution town.”.

54. In rule 2.67—

- (a) in the heading, after “maintenance pending suit” insert “or outcome of proceedings”;
- (b) in paragraph (1)—
 - (i) after “nullity of marriage” insert “or a conditional order of dissolution or nullity of civil partnership”;
 - (ii) after “maintenance pending suit”, the first time it appears, insert “or outcome of proceedings, as the case may be,”; and
 - (iii) after “maintenance pending suit”, the second time it appears, insert “or outcome of proceedings”;
- (c) in paragraph (2), after “spouse” insert “or civil partner, as the case may be,” and
- (d) in paragraph (3)—
 - (i) after “spouse”, the first and second time it appears, insert “or civil partner”, and
 - (ii) after “spouse”, the third time it appears, insert “or civil partner, as the case may be”.

55. In rule 2.68—

- (a) in the heading, after “Act of 1973” insert “or paragraph 74(2) of Schedule 5 to Act of 2004”; and
- (b) in paragraph (1), after “Act of 1973” insert “or paragraph 74(2) of Schedule 5 to the Act of 2004”.

56. In rule 2.69F(1), after “maintenance pending suit” insert “or outcome of proceedings, as the case may be”.

57. In rule 2.70—

- (a) for paragraph (2) substitute—
 - “(2) When the court fixes a first appointment as required by rule 2.61A(4)(a),
 - (a) in a matrimonial cause, the party with pension rights, and
 - (b) in a civil partnership cause, the civil partner with pension rights,shall within seven days after receiving notification of the date of that appointment, request the person responsible for each pension arrangement under which he has or is likely to have benefits to furnish the information referred to in regulation 2(2) of the Pensions on Divorce etc (Provision of Information) Regulations 2000.”;

- (b) in paragraph (3)—
 - (i) after “party with pension rights” insert “ or civil partner with pension rights, as the case may be,”; and
 - (ii) after “other party” insert “or civil partner”;
- (c) in paragraph (4), after “party with pension rights” insert “or the civil partner with pension rights”;
- (d) in paragraph (6)—
 - (i) for “including provision to be made under section 24B (pension sharing) of the Act of 1973” substitute “which includes a request for a pension sharing order”; and
 - (ii) for “such provision” substitute “such an order”;
- (e) in paragraph (7)—
 - (i) for “including provision to be made under section 25B or 25C (pension attachment) of the Act of 1973, or upon adding a request for such provision to an existing application” substitute “which includes an application for a pension attachment order, or upon adding a request for such an order to an existing application”; and
 - (ii) after “the Divorce etc (Pensions) Regulations 2000” insert “or the Dissolution etc (Pensions) Regulations 2005(11), as the case may be,”;
- (f) in paragraph (8)—
 - (i) for “the applicant”, the first time it appears, substitute “the party or civil partner with the pension rights, as the case may be,”;
 - (ii) for “the applicant”, the second time it appears, substitute “that party or civil partner”; and
 - (iii) for “a copy of section 2.16 of the statement in Form E supporting his application” substitute “a copy of section 2.13 of his Form E”;
- (g) in paragraph (9), for “2.16” substitute “2.13”;
- (h) in paragraph (11), for “including provision under section 25B or 25C (pension attachment) of the Act of 1973” substitute “and the agreement includes a pension attachment order”;
- (i) in paragraph (13)—
 - (i) for “including provision under section 24B (pension sharing), 25B or 25C (pension attachment) of the Act of 1973” substitute “which includes a pension sharing order or a pension attachment order”; and
 - (ii) in sub-paragraph (b), for “be accompanied by an annex containing the information set out in paragraph (14) or (15)” substitute “be accompanied by an annex in Form P1 (Pension Sharing annex) or Form P2 (Pension Attachment annex)”;
- (j) omit paragraphs (14) and (15);
- (k) in paragraph (16)—
 - (i) for “an order including provision under section 24B (pension sharing), 25B or 25C (pension attachment) of the Act of 1973” substitute “a pension sharing order or a pension attachment order”;
 - (ii) after “send” insert “, or direct one of the parties to send,”;
 - (iii) for sub-paragraph (a) substitute—
 - “(a) a copy of—

- (i) in a matrimonial cause, the decree of divorce, nullity of marriage or judicial separation; or
 - (ii) in a civil partnership cause, the conditional order of dissolution, nullity of civil partnership or the order of separation;” and
- (iv) for sub-paragraph (b) substitute—
 - “(b) in the case of—
 - (i) divorce or nullity of marriage, a copy of the certificate under rule 2.51 that the decree has been made absolute; or
 - (ii) dissolution or nullity of civil partnership, a copy of the order making the conditional order final under rule 2.51A; and”;
- (l) for paragraph (17), substitute—
 - “(17) The documents referred to in paragraph (16) shall be sent—
 - (a) in a matrimonial cause, within 7 days after—
 - (i) the making of the relevant pension sharing or pension attachment order; or
 - (ii) the decree absolute of divorce or nullity or decree of judicial separation, whichever is the later; and
 - (b) in a civil partnership cause, within 7 days after—
 - (i) the making of the relevant pension sharing or pension attachment order; or
 - (ii) the final order of dissolution or nullity or order of separation, whichever is the later.”; and
- (m) in paragraph (18)(a)—
 - (i) at the beginning of sub-paragraph (a), insert “in a matrimonial cause;”;
 - (ii) after sub-paragraph (a) insert—
 - “(ab) in a civil partnership cause, all words and phrases defined in paragraphs 16(4) to (5) and 29 of Schedule 5 to the Act of 2004 have the meanings assigned by those paragraphs;” and
 - (iii) after paragraph (b), insert—
 - “(c) “pension sharing order” means—
 - (i) in a matrimonial cause, an order making provision under section 24B of the Act of 1973; and
 - (ii) in a civil partnership cause, an order making provision under paragraph 15 of Schedule 5 to the Act of 2004; and
 - (d) “pension attachment order” means—
 - (i) in a matrimonial cause, an order making provision under section 25B or 25C of the Act of 1973; and
 - (ii) in a civil partnership cause, an order making provision under paragraph 25 and paragraph 26 of Schedule 5 to the Act of 2004.”.

58. In rule 3.1—

- (a) in paragraph (1), after “the Act of 1973” insert “or under Part 9 of Schedule 5 to the Act of 2004”;
- (b) for paragraph (2) substitute—

“(2) The application may be made

- (a) in the case of an application under the Act of 1973, to any divorce county court, and
- (b) in the case of an application under the Act of 2004, to any civil partnership proceedings county court,

and there shall be filed with the application an affidavit by the applicant and also a copy of the application and of the affidavit for service on the respondent.”;

- (c) in paragraph (3)(a), after “marriage” insert “or the civil partnership, as the case may be”;
- (d) in paragraph (7), for “rule 2.60” substitute “sub-paragraphs (4) to (7) of paragraph 4 of Appendix 4”; and
- (e) for paragraph (10) substitute—

“(10) The following provisions shall apply to applications under section 27 of the Act of 1973 and Part 9 of Schedule 5 to the Act of 2004—

- (a) rule 10.10 with such modifications as may be appropriate and as if the application were an application for ancillary relief; and
- (b) paragraphs 5 to 9 of Appendix 4;”.

59. In rule 3.2—

- (a) in paragraph (1), after “the Act of 1973” insert “or under paragraph 69 of Schedule 5 to the Act of 2004”; and
- (b) for paragraph (2) substitute—

“(2) The application may be made—

- (a) in the case of an application under the Act of 1973, to any divorce county court, and
- (b) in the case of an application under the Act of 2004, to any civil partnership proceedings county court,

and may be heard and determined by the district judge.”.

60. In rule 3.3—

- (a) in paragraph (1), after “the Act of 1973” insert “or under paragraph 73 of Schedule 5 to the Act of 2004”; and
- (b) in paragraph (2)—

(i) for sub-paragraph (b), substitute—

“(b) the place and date of the marriage between the parties to the agreement, or the place at and date on which they formed their civil partnership, as the case may be;”;

(ii) in sub-paragraph (d), after “marriage” insert “or civil partnership, as the case may be;”.

61. In rule 3.5—

- (a) in the heading, at the end insert “or under paragraph 69 or 73 of Schedule 5 to Act of 2004”;
- (b) for paragraph (1) substitute—

“(1) The following provisions shall apply to an application under section 35 or 36 of the Act of 1973 or under paragraph 69 or 73 of Schedule 5 to the Act of 2004—

- (a) in the case of an application under either section or paragraph—

- (i) rule 10.10 with such modifications as may be appropriate and as if the application were an application for ancillary relief; and
 - (ii) paragraphs 4, 7 and 8 of Appendix 4, and
- (b) in the case of an application under section 35 or paragraph 69, paragraph 9 of Appendix 4; and
- (c) in the case of an application under section 36 or paragraph 73, paragraph 9(5) to (7) of Appendix 4.”; and
- (c) in paragraph (2) for “section 35 or section 36 (as the case may be) of the Act of 1973” substitute “section 35 or section 36 of the Act of 1973 or paragraph 69 or paragraph 73 of Schedule 5 to the Act of 2004, as the case may be”.

62. In rule 3.6—

- (a) in the heading, at the end insert “or section 66 of Act of 2004”;
- (b) in paragraph (1)—
 - (i) omit the words in brackets; and
 - (ii) after “1882” insert “or under section 66 of the Act of 2004”;
- (c) for paragraph (2) substitute—

“(2) An order—

 - (a) in a matrimonial cause, under section 17, and
 - (b) in a civil partnership cause, under section 66,

may be made in any ancillary relief proceedings upon the application of any party thereto by notice of application or summons.”;
- (d) in paragraph (3)—
 - (i) after “section 17” insert “or section 66”;
 - (ii) in sub-paragraph (a), after “sub-paragraph (b)” insert “and (c)”;
 - (iii) for sub-paragraph (b) substitute—
 - “(b) in the case of an application under section 17, in the divorce county court in which any pending matrimonial cause has been commenced by or on behalf of either the applicant or the respondent or in which any matrimonial cause is intended to be commenced by the applicant, and
 - (c) in the case of an application under section 66, in the civil partnership proceedings county court in which any pending civil partnership cause has been commenced by or on behalf of either the applicant or the respondent or in which any civil partnership cause is intended to be commenced by the applicant.”;
- (e) in paragraphs (9) and (11), after “section 17”, each time it appears, insert “or under section 66”;
- (f) for paragraph (10) substitute—

“(10) Paragraphs (7) and (9) of Appendix 4 shall apply to an application under section 17 or under section 66.”; and
- (g) after paragraph (11) insert—

“(12) In this rule and in rule 3.7—

 - (a) a reference to section 17 is to section 17 of the Married Women’s Property Act 1882; and

(b) a reference to section 66 is to section 66 of the Act of 2004.”.

63. In rule 3.7—

- (a) in the title, at the end insert “or under section 66 of Act of 2004”;
- (b) in paragraph (1), after “nullity” insert “of marriage”;
- (c) after paragraph (1) insert—

“(1A) Where any proceedings for dissolution, nullity of civil partnership or separation which are either pending in the principal registry, or are intended to be commenced there by the applicant are or will be treated as pending in a civil partnership proceedings county court, an application under section 66 by one of the parties to the civil partnership may be made to the principal registry as if it were a county court.”;

- (d) in paragraph (2), after “paragraph (1)” insert “or (1A)”;
- (e) in paragraph (3), after “Rule 1.4(1)” insert “(a)”;
- (f) after paragraph (3) insert—

“(4) Rule 1.4(1)(b) shall apply, with necessary modifications, to proceedings in, or intended to be commenced in, the principal registry under paragraph (1A) of this rule as it applies to civil partnership proceedings.”.

64. In rule 3.8—

- (a) in paragraph (12), for “or spouse” substitute “, spouse or civil partner”;
- (b) in paragraph (13)—

(i) for “Rules 2.62(4) to (6) and 2.63 (investigation, requests for further information) shall apply, with necessary modifications,” substitute “Paragraph 7 of Appendix 4 shall apply”; and

(ii) omit “, as they apply to an application for ancillary relief”; and

- (c) in paragraph (14), omit the words in brackets.

65. In rule 3.12(1)(d), after “matrimonial” insert “or civil partnership”.

66. After rule 3.12 insert—

“Application under section 58 of Act of 2004 for declaration as to civil partnership status

3.12A.—(1) Unless the court otherwise directs, a petition by which proceedings are begun under section 58 of the Act of 2004 for a declaration as to civil partnership status must state—

- (a) the names of each party to the civil partnership to which the application relates and the residential address of each of them at the date of the presentation of the petition;
- (b) the place at, and the date on which, the civil partnership was formed;
- (c) the grounds on which the application is made and all other material facts alleged by the petitioner to justify the making of the declaration;
- (d) whether there have been or are continuing any proceedings in any court, tribunal or authority in England and Wales or elsewhere between the parties which relate to, or are capable of affecting, the validity or subsistence of the civil partnership, dissolution, annulment or legal separation to which the application relates, or which relate to the civil partnership or matrimonial status of either of the parties;
- (e) in relation to any proceedings to which paragraph (d) applies—

- (i) the nature, and either the outcome or present state of those proceedings,
 - (ii) the court, tribunal or authority before which they were begun,
 - (iii) the date when they were begun,
 - (iv) the names of the parties to them,
 - (v) the date or expected date of the trial,
 - (vi) any other facts relevant to the question whether the petition should be stayed under the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules 2005;
- (f) where it is alleged that the court has jurisdiction based on domicile, which of the parties to the civil partnership to which the application relates—
- (i) is domiciled in England and Wales on the date of the presentation of the petition, or
 - (ii) died before that date and was at death domiciled in England and Wales;
- (g) where it is alleged that the court has jurisdiction based on habitual residence, which of the parties to the civil partnership to which the application relates—
- (i) has been habitually resident in England and Wales, or
 - (ii) died before that date and had been habitually resident in England and Wales throughout the period of one year ending with the date of death;
- (h) where the petitioner was not a party to the civil partnership to which the application relates, particulars of his interest in the determination of the application.
- (2) Proceedings to which paragraph (1)(d) applies—
- (a) include any proceedings instituted otherwise than in a court of law in any country outside England and Wales, if they are instituted before a tribunal or other authority having power under the law having effect there to determine questions of status, and
 - (b) are treated as continuing if they have begun and have not been finally disposed of.
- (3) Where the proceedings are for a declaration that the validity of a dissolution, annulment or legal separation obtained in any country outside England or Wales in respect of the civil partnership either is or is not entitled to recognition in England and Wales, the petition must in addition state the date and place of the dissolution, annulment or legal separation.
- (4) There must be annexed to the petition a copy of the certificate of any civil partnership, or, as the case may be, a certified copy of any order for dissolution, annulment or legal separation, to which the application relates.
- (5) Where a document produced by virtue of paragraph (4) is not in English it must, unless otherwise directed, be accompanied by a translation certified by a notary public or authenticated by affidavit.
- (6) The parties to the civil partnership in respect of which a declaration is sought shall be the petitioner and respondent respectively to the application, unless a third party is applying for a declaration, in which case he shall be the petitioner and the parties to the civil partnership shall be the respondents.”.

67. In rule 3.13—

- (a) in paragraph (1)(c)(iii), for “father or mother” substitute “parent”; and
- (b) in paragraph (3)(ii), for “mother or father” substitute “parent”.

68. In rule 3.15(4)(a), after “Adoption Act 1976” insert “or section 67 of the Adoption and Children Act 2002”.

69. In rule 3.16—

(a) in paragraph (1) and (12), after “3.12” insert “, 3.12A”; and

(b) for paragraph (11) substitute—

“(11) Declarations made in accordance with—

(a) section 55, section 55A and section 56(1)(b) and (2) of the Act of 1986 shall be in the forms prescribed respectively in Forms M29, M30 and M31; and

(b) section 58 of the Act of 2004 shall be the form prescribed in Form M29A.”.

70. In rule 3.17—

(a) in the heading, at the end insert “or under paragraph 4 of Schedule 7 to Act of 2004”;

(b) in paragraph (1)—

(i) for “under Part III of the Act of 1984” substitute “to which this rule applies”; and

(ii) omit the words after “applicant” to the end of the paragraph;

(c) after paragraph (1), insert—

“(1A) The affidavit in support shall state the facts relied on in support of the application with particular reference—

(a) in the case of an application under the Act of 1984, to the matters set out in section 16(2) of that Act, and

(b) in the case of an application under the Act of 2004, to the matters set out in paragraph 8(3) of Schedule 7 to that Act.”; and

(d) in paragraph (2)—

(i) after “by means of which the marriage” insert “or civil partnership, as the case may be,”;

(ii) after “marriage”, the second time it appears, insert “or civil partnership”;

(iii) for sub-paragraph (a) substitute—

“(a) in the case of an application under the Act of 1984, the names of the parties to the marriage and the date and place of the marriage;

(ab) in the case of an application under the Act of 2004, the names of the parties to the civil partnership and the date on, and place at which it was formed;”

(iv) in sub-paragraph (b), after “to the marriage” insert “or civil partnership, as the case may be”;

(v) for sub-paragraph (d) substitute—

“(d) whether either party to the marriage or civil partnership has subsequently married or formed a civil partnership;”;

(vi) in sub-paragraph (f), for “under Part III of the Act of 1984.” substitute “.”; and

(vii) after sub-paragraph (f) insert—

“(g) this rule and rule 3.18 apply to an application for financial relief under—

(i) Part III of the Act of 1984; and

(ii) Schedule 7 to the Act of 2004.”.

71. In rule 3.18—

- (a) in the heading, at the end insert “or under Schedule 7 to Act of 2004”;
- (b) in paragraph (1), for “under Part III of the Act of 1984” substitute “to which this rule applies”;
- (c) in paragraph (2), after “M6” insert “and M6A”;
- (d) for paragraph (3) substitute—
 - “(3) Rule 2.70 and paragraphs 2, 3, 5, 7 (4) to (6) and 9(6) and (7) of Appendix 4 shall apply to an application for an order for financial relief under this rule and the court may order the attendance of any person for the purpose of being examined or cross-examined and the discovery and production of any document.”;
- (e) in paragraph (4)—
 - (i) omit “under section 14”;
 - (ii) omit “under section 23 of the Act of 1984”; and
 - (iii) for “an order under section 23” substitute “an avoidance of transaction order”;
- (f) in paragraph (6), for “rule 2.59 shall apply” to the end of the paragraph substitute “paragraph 3 of Appendix 4 shall apply to such an application.”;
- (g) in paragraph (7), after “the Act of 1984” insert “or under paragraph 13 of Schedule 7 to the Act of 2004”;
- (h) in paragraph (8), omit “under Part III of the Act of 1984”; and
- (i) after paragraph (8) insert—
 - “(9) In this rule—
 - (a) “avoidance of transaction order” means—
 - (i) in relation to an application under the Act of 1984, an application under section 23 of that Act, and
 - (ii) in relation to an application under the Act of 2004, an application under paragraph 15 of Schedule 7 to that Act; and
 - (b) “interim order for maintenance” means—
 - (i) in relation to an application under the Act of 1984, an order under section 14 of that Act, and
 - (ii) in relation to an application under the Act of 2004, an order under paragraph 5 of Schedule 7 to that Act.”.

72. In rule 3.19—

- (a) in the heading, after “Act of 1984” insert “or under paragraph 17 of Schedule 7 to Act of 2004”;
- (b) in paragraph (1), after “the Act of 1984” insert “or under paragraph 17 of Schedule 7 to the Act of 2004”;
- (c) in paragraph (2), after “M6” insert “and M6A”; and
- (d) for paragraph (5) substitute—
 - “(5) Paragraph 9 of Appendix 4 (except sub-paragraphs (5), (8), (9) and (10)) shall apply to an application to which this rule applies.”.

73. After rule 3.20 insert—

“Consent to registration of civil partnership of child

3.20A.—(1) An application under paragraph 3, 4 or 10 of Schedule 2 to the Act of 2004 for the consent of the court to a child registering as the civil partner of another shall be dealt with in chambers unless the court otherwise directs.

(2) The application may be heard and determined by a district judge.

(3) The application may be brought without the intervention of the applicant’s next friend, unless the court otherwise directs.

(4) Where an application to which this rule relates follows a refusal to give consent to the child registering as the civil partner of another person, every person who has refused consent shall be made a defendant to the summons or a respondent to the application, as the case may be.

(5) The application shall, unless the court orders otherwise, be served not less than seven days before the date upon which the application is to be heard.”

74. In rule 3.24(4)—

(a) after “nullity” insert “of marriage”; and

(b) after “the Act of 1973” insert “or for an order for nullity of civil partnership under section 50(1)(d) of the Act of 2004”.

75. In rule 4.1—

(a) in paragraph (1), after the definition of “recovery order” insert—

““special guardianship order” has the meaning assigned to it by section 14A;”;
and

(b) in paragraph (2)(c)—

(i) after “4(3),” insert “4A(1)(b), 4A(3),”; and

(ii) after “13(1),” insert “14A, 14C(3), 14D,”.

76. In rule 4.3(2), after “person making the request”, wherever it appears, insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.

77. In rule 4.5(4)(a)(iii) and (b), after “parties,” insert “any local authority that is preparing, or has prepared, a report under section 14A(8) or (9),”.

78. In rule 4.6(3)(a) and (b), (4)(c), and (5), after “parties” insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.

79. In rule 4.7(3)—

(a) in sub-paragraphs (a) and (b)(ii), after “parties” insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”; and

(b) in sub-paragraph (b)(i), after “applicant” insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.

80. In rule 4.9—

(a) in paragraph (1), after “section 8 order” insert “, a special guardianship order”; and

(b) in paragraph (3), after “section 8 order” insert “or special guardianship order”.

81. In rule 4.11A(7)(b), after “parties” insert “and any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.

82. In rules 4.11B(2)(b)(ii) and 4.13(1), after “parties” insert “, any local authority that is preparing, or has prepared, a report under section 14A(8) or (9)”.

83. In rule 4.14—

(a) for paragraph (1), substitute—

“(1) In this rule, “party” includes the children’s guardian and, where a request or direction concerns a report under—

- (a) section 7, the welfare officer or children and family reporter; or
- (b) section 14A(8) or (9), the local authority preparing that report.”;

(b) for paragraph (2)(i), substitute—

- “(i) consolidation with other proceedings;
- (j) the preparation of reports under section 14A(8) or (9);
- (k) the attendance of the person who prepared the report under section 14A(8) or (9) at any hearing at which the report is to be considered.”; and

(c) in paragraph (8), after “under section” insert “14A, 14D.”.

84. In rule 4.15(2)(c)(ii), after “parties,” insert “any local authority that is preparing, or has prepared, a report under section 14A(8) or (9).”.

85. In rule 4.17—

(a) in paragraph (1), after “parties,” insert “any local authority that is preparing, or has prepared, a report under section 14A(8) or (9).”; and

(b) in paragraphs (4) and (5), after “section 8 order” insert “or a special guardianship order”.

86. After rule 4.17, insert—

“Disclosure of report under section 14A(8) or (9)

4.17A.—(1) In proceedings for a special guardianship order, the local authority shall file the report under section 14A(8) or (9) within the timetable fixed by the court.

(2) The court shall consider whether to give a direction that the report under section 14A(8) or (9) be disclosed to each party to the proceedings.

(3) Before giving such a direction the court shall consider whether any information should be deleted including information which reveals the party’s address in a case where he has declined to reveal it in accordance with rule 10.21 (disclosure of addresses).

(4) The court may direct that the report will not be disclosed to a party.

(5) The proper officer shall serve a copy of the report filed under paragraph (1)—

- (i) in accordance with any direction given under paragraph (2); and
- (ii) on any children’s guardian, welfare officer or children and family reporter.”.

87. In rule 4.21—

(a) after paragraph (2), insert—

“(2A) At the hearing at which the report under section 14A(8) or (9) is considered a party to whom the report, or part of it, has been disclosed may question the person who prepared the report about it.”; and

(b) in paragraph (6), after “living” insert “, and where applicable, on the local authority that prepared the report under section 14A(8) or (9)”.

88. For rule 4.21A, substitute—

“Attachment of penal notice

4.21A. CCR Order 29, rule 1 (committal for breach of order or undertaking) shall apply to section 8 orders and orders under section 14A, 14B(2)(b), 14C(3)(b), or 14D as if for paragraph (3) of that rule there were substituted the following—

“(3) In the case of a section 8 order (within the meaning of section 8(2) of the Children Act 1989~~(12)~~) or an order under section 14A, 14B(2)(b), 14C(3)(b), or 14D of the Children Act 1989 enforceable by committal order under paragraph (1), the judge or the district judge may, on the application of the person entitled to enforce the order, direct that the proper officer issue a copy of the order, endorsed with or incorporating a notice as to the consequences of disobedience, for service in accordance with paragraph (2); and no copy of the order shall be issued with any such notice endorsed or incorporated save in accordance with such a direction.””

89. In rule 4.22(2), after “children’s guardian” insert “and where applicable, on the local authority that prepared a report under section 14A(8) or (9)”.

90. In rule 5.4(1)(b), after “proceedings to” insert “place or”.

91. In rule 7.1—

- (a) in paragraph (2), after “the Act of 1973” insert “or an order under Part 9 of Schedule 5 to the Act of 2004”;
- (b) in paragraph (3), for “divorce county court” substitute “designated county court”;
- (c) in paragraph (4), for “divorce county court” substitute “designated county court,”; and
- (d) for paragraph (5), substitute—

“(5) Where—

- (a) an application under CCR Order 25, rule 3 (which deals with the oral examination of a judgment debtor) relates to an order made by a divorce county court, the application shall be made to such divorce county court as in the opinion of the applicant is nearest to the place where the debtor resides, or carries on business,
- (b) an application under CCR Order 25, rule 3 (which deals with the oral examination of a judgment debtor) relates to an order made by a civil partnership proceedings county court, the application shall be made to such civil partnership proceedings county court as in the opinion of the applicant is nearest to the place where the debtor resides, or carries on business, and
- (c) in either case, paragraph (2) of rule 3 shall not apply.

(6) In a case to which paragraph (5) relates there shall be filed the affidavit required by paragraph (1) of this rule and, except where the application is made to the court in which the order sought to be enforced was made, a copy of the order shall be exhibited to the affidavit.”

92. In rule 7.2(3), for “divorce county court” substitute “designated county court”.

93. In rule 7.3(1), for “divorce county court” substitute “designated county court”.

94. In rule 7.4—

- (a) for paragraph (2) substitute—

“(2) An application for the issue of a judgment summons may be made—

- (a) in the case of an order of the High Court—

- (i) where the order was made in a matrimonial cause, to the principal registry, a district registry or a divorce county court, whichever in the opinion of the judgment creditor is most convenient,
- (ii) where the order was made in a civil partnership cause, to the principal registry, a district registry or a civil partnership proceedings county court, whichever in the opinion of the judgment creditor is most convenient, and
- (iii) in any other case, to the principal registry, a district registry or a designated county court, whichever in the opinion of the judgment creditor is most convenient,
- (b) in the case of an order of a divorce county court, to whichever divorce county court is in the opinion of the judgment creditor most convenient, and
- (c) in the case of an order of a civil partnership proceedings county court, to whichever civil partnership proceedings county court is in the opinion of the judgment creditor most convenient,

having regard (in any case) to the place where the debtor resides or carries on business and irrespective of the court or registry in which the order was made.”;

- (b) in paragraph (3), for “divorce county court” substitute “designated county court”;
- (c) in paragraph (6), for “divorce county court” substitute “designated county court”;
- (d) in paragraph (9)(b), after “maintenance pending suit” insert “or outcome of proceedings,”; and
- (e) in paragraph (12)(b), for “divorce county court” substitute “designated county court”.

95. In rule 7.6—

- (a) in the heading, for “divorce county courts” substitute “designated county courts”; and
- (b) in paragraph (1), for “divorce county court” substitute “designated county court”.

96. For rule 7.40, substitute—

“**7.40.** In this chapter—

- (a) “judgment” is to be construed in accordance with the definition in Article 2(4) of the Council Regulation(**13**), or where the Jurisdiction and Recognition of Judgments Regulations apply, in accordance with regulation 6 of those Regulations; and
- (b) “the Jurisdiction and Recognition of Judgments Regulations” means the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005(**14**).”.

97. In rule 7.41, after “Council Regulation” insert “or the Jurisdiction and Recognition of Judgments Regulations”.

98. In rule 7.48—

- (a) in the heading, after “recognition” insert “or non-recognition”;
- (b) in paragraph (1), after “Council Regulation” insert “or regulations 7 or 8 of the Jurisdiction and Recognition of Judgments Regulations, as the case may be,”;
- (c) in paragraph (2), after “of a judgment” insert “under the Council Regulation”; and
- (d) after paragraph (2) insert—

(13) The reference is to Council Regulation (EC) No 2201/2003 of 27 November 2003 (OJ No L 338, 23.12.2003, p1) concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000.

(14) S.I. 2005/3334.

“(3) Where it is sought to apply for recognition or non-recognition of a judgment under the Jurisdiction and Recognition of Judgments Regulations, the rules of this chapter shall apply to such application as they apply to an application for registration under Article 28(2) of the Council Regulation, with the following modifications—

(a) substitute paragraph (1)(a) of rule 7.43 (evidence in support of application) with—

“(a) exhibiting—

- (i) the judgment or a verified or certified or otherwise duly authenticated copy thereof;
- (ii) where a judgment has been given in default, the original or certified true copy of the document which established that the party in default was served with the document instituting the proceedings or with an equivalent document; and
- (iii) where the judgment or document is not in the English or Welsh language, as appropriate, a translation thereof into English or Welsh, as appropriate, certified by a notary public or a person qualified for the purpose or authenticated by witness statement or affidavit.”.

(b) in paragraph (2) of rule 7.43, omit “and (iii)”; and

(c) in rule 7.44—

- (i) in paragraph (2), omit from “and” to “that period”, and
- (ii) omit paragraph (3).”.

99. In rule 7.53, in paragraph (4) for “2(c)” substitute “2(b)”.

100. In rule 8.2(9)(b), for “at a divorce town” substitute “, in an appeal from an order under the Domestic Proceedings and Magistrates' Courts Act 1978(15), at a divorce town, and in an appeal from an order under Schedule 6 to the Act of 2004, at a dissolution town”.

101. In rule 9.4—

- (a) in paragraph (1), after “for nullity” insert “of marriage”; and
- (b) after paragraph (1), insert—

“(1A) Where a petition for nullity of civil partnership has been presented on the ground that at the time of the formation of the civil partnership the respondent was suffering from mental disorder within the meaning of the Mental Health Act 1983(16) of such a kind or to such an extent as to be unfitted for civil partnership, then, whether or not the respondent gives notice of intention to defend, the petitioner shall not proceed with the cause without the leave of the district judge.”.

102. In rule 9.5—

- (a) in paragraph (1), after “9.2A” insert “and to paragraph 2 of Appendix 4”; and
- (b) in paragraph (5), after “rule 2.57” insert “or under paragraph 2 of Appendix 4”.

103. In rule 10.4, for “divorce county court” substitute “designated county court”.

104. In rule 10.6—

- (a) in paragraph (1)(b), for “divorce county court” substitute “designated county court”; and

(15) 1978 c. 22.

(16) 1983 c. 20.

- (b) in paragraph (4), after “Form M5”, both times it appears, insert “or Form M5A, as the case may be,”.
- 105.** For rule 10.8(1) substitute—
- “ (1) In these rules (other than rule 3.2(5)) any reference to a notice of intention to defend is a reference to an acknowledgement of service—
- (a) in proceedings other than under the Act of 2004, in Form M6, and
- (b) in proceedings under the Act of 2004, in Form M6A,
- containing a statement to the effect that the person by whom or on whose behalf it is signed intends to defend the proceedings to which the acknowledgement relates, and any reference to giving notice of intention to defend is a reference to returning such a notice to the court office.”.
- 106.** In rule 10.9(b), for “divorce county court” substitute “ designated county court”.
- 107.** In rule 10.10,—
- (a) in paragraph (1), after “Where a” insert “matrimonial”;
- (b) after paragraph (1) insert—
- “ (1A) Where a civil partnership cause is pending in the High Court, the district judge of the registry in which the cause is pending or a judge may order that the cause be transferred to another district registry.”;
- (c) after paragraph (2) insert—
- “ (2A) Where a cause is pending in a civil partnership proceedings county court, the court may order that the cause be transferred to another civil partnership proceedings county court.”;
- (d) in paragraph (3)—
- (i) for “(1) and (2)” substitute “(1) to (2A)”;
- (ii) for “(1) or (2)” substitute “(1), (1A), (2) or (2A)”;
- (e) in paragraphs (4) and (7), for “paragraph (1), (2) or (3)” substitute “any of paragraphs (1) to (3)”;
- (f) in paragraph (6), for “(1) or (2)” substitute “(1), (1A), (2) or (2A)”.
- 108.** In rule 10.11, for “divorce county court”, wherever it appears, substitute “designated county court”.
- 109.** In rule 10.13, for “divorce county court” substitute “designated county court”.
- 110.** In rule 10.14—
- (a) in the heading, after “marriage” insert “or overseas relationship”;
- (b) after paragraph (1), insert—
- “ (1A) The formation of an overseas relationship other than a marriage, outside England and Wales and its validity under the law of the country where it was formed may, in any family proceedings in which the existence and validity of that relationship is not disputed, be proved by the evidence of one of the parties to it and the production of a document purporting to be—
- (a) a certificate or similar document issued under the law in force in that country evidencing its formation; or
- (b) a certified copy of an entry in a register of such relationships kept under the law in force in that country.”;

- (c) in paragraph (2), after “(1)” insert “or (1A)”;
 - (d) in paragraph (3), after “marriage” insert “or the existence of an overseas relationship which is not a marriage”.
- 111.** In rule 10.16—
- (a) in paragraph (1), after “decree” insert “or civil partnership order, as the case may be,”; and
 - (b) in paragraph (2), for “or order” substitute “, civil partnership order or other order”.
- 112.** In rule 10.19, for “divorce county court” substitute “designated county court”.
- 113.** In rule 10.20—
- (a) in paragraph (1), after “9.5” insert “or under paragraph 2 of Appendix 4”; and
 - (b) in paragraph (3)—
 - (i) after “2.36(4)” insert “and (5)”;
 - (ii) for “or”, the second time it appears, substitute “, civil partnership order or other”.
- 114.** In rule 10.20A—
- (a) in paragraph (3), in the second entry in the table after “spouse,” (in both cases) insert “civil partner,”; and
 - (b) in paragraph (5), for the definition of “cohabitant” substitute—

““cohabitant” means one of two persons who are neither married to each other nor civil partners of each other but are living together as husband and wife or as if they were civil partners;”.
- 115.** In rule 10.21B—
- (a) after “the Act of 1973” insert—
 - “(b) section 50(1)(d) or (e) of the Act of 2004;” and
 - (b) for “(b)” substitute “(c)”.
- 116.** In rule 10.22—
- (a) in the heading, for “divorce county courts” substitute “designated county courts”; and
 - (b) in paragraph (1), for “divorce county courts” substitute “designated county courts”.
- 117.** In Appendix 1—
- (a) in the list of forms—
 - (i) after the entry relating to Form M5, in the first column insert “M5A” and in the second column insert “Notice of Proceedings: Civil Partnership Act 2004”;
 - (ii) after the entry relating to Form M6, in the first column insert “M6A” and in the second column insert “Acknowledgement of Service: Civil Partnership Act 2004”;
 - (iii) after the entry relating to Form M9, in the first column insert “M9A” and in the second column insert “Order Making Conditional Order for Dissolution Final”;
 - (iv) after the entry relating to Form M10, in the first column insert “M10A” and in the second column insert “Order Making Conditional Nullity Order Final”;
 - (v) after the entry relating to Form M29, in the first column insert “M29A” and in the second column insert “Declaration as to Civil Partnership Status under Section 58 of the Civil Partnership Act 2004”;
 - (vi) after the entry relating to Form C13, in the first column insert “C13A”, in the second column insert “Supplement”, and in the third column insert “for an application for a Special Guardianship Order”; and

- (vii) after the entry relating to Form C43, in the first column insert “C43A”, in the second column insert “Order”, and in the third column insert “Special Guardianship Order”;
- (b) for Form M1 substitute Form M1 as set out in Schedule 1 to these Rules;
- (c) in Form M4—
 - (i) after “petition for divorce” insert “or dissolution”;
 - (ii) for “husband/wife” each time it appears substitute “spouse/civil partner”; and
 - (iii) for “divorce petition”, each time it appears, substitute “petition for divorce or dissolution”;
- (d) after Form M5 insert Form M5A (Notice of Proceedings: Civil Partnership Act 2004) as set out in Schedule 1 to these Rules;
- (e) after Form M6 insert Form M6A (Acknowledgement of Service: Civil Partnership Act 2004) as set out in Schedule 1 to these Rules;
- (f) after Form M7(e) insert—
 - (i) Form M7(f) (affidavit by petitioner in support of petition under section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the Act of 1973, or section 50 (1)(d) of the Act of 2004); and
 - (ii) Form M7(g) (affidavit by petitioner in support of petition under section 44(5) of the Act of 2004as set out in Schedule 1 to these Rules;
- (g) for Form M8 substitute Form M8 as set out in Schedule 1 to these Rules;
- (h) after Form M9 insert Form M9A (Order Making Conditional Order for Dissolution Final) as set out in Schedule 1 to these Rules;
- (i) after Form M10 insert Form M10A (Order Making Conditional Nullity Order Final) as set out in Schedule 1 to these Rules;
- (j) in Form M16—
 - (i) omit “(Divorce)”; and
 - (ii) for “divorce county court” substitute “designated county court”;
- (k) in Form M19—
 - (i) in the heading, for “*In the Matter of an Application under section 27 of the Matrimonial Causes Act 1973*” substitute—

“*[In the Matter of an Application under section 27 of the Matrimonial Causes Act 1973]*
[In the Matter of an Application under Part 9 of Schedule 5 to the Civil Partnership Act 2004]”; and
 - (ii) for “the wife [husband]” substitute “the spouse [civil partner]”;
- (l) in Form M20—
 - (i) for “NOTICE OF APPLICATION UNDER RULE 3.1 OR 3.2” substitute “NOTICE OF APPLICATION ON GROUND OF FAILURE TO PROVIDE REASONABLE MAINTENANCE OR FOR ALTERATION OF MAINTENANCE DURING PARTIES' LIFETIME”; and
 - (ii) after “section 35 of the Matrimonial Causes Act 1973]” insert—

“*[In the Matter of an Application under Part 9 of Schedule 5 to the Civil Partnership Act 2004][In the Matter of an Application under paragraph 69 of Schedule 5 to the Civil Partnership Act 2004]*”;

- (m) in Form M21—
- (i) in the heading, for “*In the Matter of an Application under section 35 of the Matrimonial Causes Act 1973*” substitute—
 - “*[In the Matter of an Application under section 35 of the Matrimonial Causes Act 1973]*
 - [In the Matter of an Application under paragraph 69 of Schedule 5 to the Civil Partnership Act 2004]*”; and
 - (ii) in paragraph 1, for “wife [*or husband*]” substitute “spouse [*or civil partner*]”;
 - (iii) for paragraph 3 substitute—
 - “**3.** On [insert date], I [was lawfully married to the respondent at][formed a civil partnership with the respondent at] .”; and
 - (iv) in paragraph 5, after “marriage” insert “[civil partnership]”;
- (n) in Form M22, in the heading,
- (i) omit “(Divorce)”; and
 - (ii) for “*In the Matter of an Application by under section 36 of the Matrimonial Causes Act 1973*” substitute—
 - “*[In the Matter of an Application under section 36 of the Matrimonial Causes Act 1973]*
 - [In the Matter of an Application under paragraph 73 of Schedule 5 to the Civil Partnership Act 2004]*”;
- (o) in Form M23, in the heading,
- (i) for “ORIGINATING SUMMONS UNDER SECTION 17 OF THE MARRIED WOMEN'S PROPERTY ACT 1882 [OR SECTION 1 OF THE MATRIMONIAL HOMES ACT 1983]” substitute—
 - “ORIGINATING SUMMONS UNDER SECTION 17 OF THE MARRIED WOMEN'S PROPERTY ACT 1882 [OR SECTION 66 OF THE CIVIL PARTNERSHIP ACT 2004]”; and
 - (ii) for “*In the Matter of an Application by under section 17 of the Married Women's Property Act 1882[or section 1 of the Matrimonial Homes Act 1983]*” substitute—
 - “*[In the Matter of an Application under section 17 of the Married Women's Property Act 1882]*
 - [In the Matter of an Application under section 66 of the Civil Partnership Act 2004]*”;
- (p) in Form M23A—
- (i) in the paragraph beginning “TAKE NOTICE THAT”, after “[under section 17 of the Married Women's Property Act 1882]” insert, on a new line, “— [under section 66 of the Civil Partnership Act 2004]”; and
 - (ii) in paragraph 5, after “**Married Women's Property Act 1882**” insert “**or under section 66 of the Civil Partnership Act 2004**”;
- (q) in Form M25—
- (i) in the heading—
 - (aa) for “EX PARTE ORIGINATING SUMMONS UNDER SECTION 13 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984” substitute “EX PARTE ORIGINATING SUMMONS UNDER SECTION 13 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984

- [OR PARAGRAPH 4 OF SCHEDULE 7 TO THE CIVIL PARTNERSHIP ACT 2004]”; and
- (bb) for “*In the matter of an Application under section 13 of the Matrimonial and Family Proceedings Act 1984*” substitute—
- “[In the matter of an Application under section 13 of the Matrimonial and Family Proceedings Act 1984]
- [In the matter of an Application under paragraph 4 of Schedule 7 to the Civil Partnership Act 2004]”; and
- (ii) in the body of the form, after “1984” insert “[under Schedule 7 to the Civil Partnership Act 2004]”;
- (r) in Form M26—
- (i) in the heading—
- (aa) for “ORIGINATING SUMMONS UNDER SECTION 12 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984” substitute “ORIGINATING SUMMONS UNDER SECTION 12 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984 [OR PARAGRAPH 2 OF SCHEDULE 7 TO THE CIVIL PARTNERSHIP ACT 2004]”; and
- (bb) for “*In the matter of an Application under section 12 of the Matrimonial and Family Proceedings Act 1984*” substitute—
- “*In the matter of an Application—*
- under section 12 of the Matrimonial and Family Proceedings Act 1984*
- under paragraph 2 of Schedule 7 to the Civil Partnership Act 2004*”;
- (s) in Form M27
- (i) in the heading—
- (aa) for “ORIGINATING SUMMONS UNDER SECTION 24 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984” substitute “ORIGINATING SUMMONS UNDER SECTION 24 OF THE MATRIMONIAL AND FAMILY PROCEEDINGS ACT 1984 [OR PART 2 OF SCHEDULE 7 TO THE CIVIL PARTNERSHIP ACT 2004]”; and
- (bb) for “*In the matter of an Application under section 24 of the Matrimonial and Family Proceedings Act 1984*” substitute—
- “[*In the matter of an Application under section 24 of the Matrimonial and Family Proceedings Act 1984*]
- [*In the matter of an Application under Part 2 of Schedule 7 to the Civil Partnership Act 2004*”]; and
- (ii) in the body of the form, after “1984” insert “[under Schedule 7 to the Civil Partnership Act 2004]”;
- (t) after Form M29 insert Form M29A (Declaration as to Civil Partnership Status under Section 58 of the Civil Partnership Act 2004) as set out in Schedule 1 to these Rules;
- (u) omit Form M32;
- (v) in Form M33—
- (i) in the heading omit “(Divorce)”; and
- (ii) in paragraph 3, for “wife/husband” substitute “petitioner/respondent”;
- (w) in Form C1, in paragraph 10—

- (i) for “mother and father” substitute “parents”; and
 - (ii) after “married to each other” insert “or civil partners of each other”;
 - (x) in Form C10A—
 - (i) in paragraph 1, after “married,” insert “in a civil partnership,”;
 - (ii) in paragraph 2, after “spouse,” insert “civil partner,”;
 - (y) after Form C13 insert Form C13A (Supplement for an application for a Special Guardianship Order) as set out in Schedule 1 to these Rules;
 - (z) after Form C43 insert Form C43A (Special Guardianship Order) as set out in Schedule 1 to these Rules;
 - (aa) in Form C44 after “[13(1)]”, each time it occurs, insert “[14C(3)]”;
 - (bb) in Form C45—
 - (i) for “Section 4(1)” substitute “Section [4(1)] [4A(1)]”; and
 - (ii) for “Section 4(2A)” substitute “Section [4(2A)] [4A(3)]”;
 - (cc) for Form FL401 substitute Form FL401 as set out in Schedule 1 to these Rules;
 - (dd) in Form FL402, in note 4—
 - (i) after “marriage” insert “or civil partnership”;
 - (ii) after “divorce proceedings etc)” insert, on a new line—
 - “or
 - under Part 2 of Schedule 5 to the Civil Partnership Act 2004 (property adjustment on or after dissolution, nullity or separation)”;
 - (iii) after “husband and wife” insert “or civil partners”;
 - (ee) in the section following Form FL404 headed “Orders under Family Law Act 1996 Part IV”—
 - (i) in paragraphs 2 and 3 omit “matrimonial”; and
 - (ii) in paragraph 3 for “marriage” substitute “[marriage][civil partnership]”; and
 - (ff) in Form FL416, omit “matrimonial” on each occasion that it appears.
- 118.** In Appendix 1A—
- (a) in Forms A to D, F, G and I, for “The marriage of and”, on each occasion it appears, substitute “Between (petitioner) and (respondent)”;
 - (b) in Form A—
 - (i) after “pending suit” insert “or outcome of proceedings”; and
 - (ii) for “an order under Section 24B, 25B or 25C of the Act of 1973” substitute “a pension sharing order or a pension attachment order”;
 - (c) in Form B—
 - (i) after “under” insert “[”;
 - (ii) after “divorce” insert “[section 48(2) of the Civil Partnership Act 2004 for the Court to consider the financial position of the Respondent after the dissolution of the civil partnership*.]”; and
 - (iii) in the margin opposite the text referred to in sub-sub-paragraph (ii) insert “*Delete as appropriate.”;
 - (d) for Form E substitute the Form E as set out in Schedule 1 to these Rules;
 - (e) in Form I—

- (i) in the heading and the footnote, at the end insert “or Outcome of Proceedings”;
 - (ii) for “suit” substitute “[suit][outcome of proceedings]*”; and
 - (iii) in the margin opposite the text referred to in sub-sub-paragraph (ii) insert *Delete as appropriate; and
- (f) after Form I insert—
- (i) Form P (Pension Inquiry Form);
 - (ii) Form P1 (Pension Sharing Annex); and
 - (iii) Form P2 (Pension Attachment Annex)
- as set out in Schedule 1 to these Rules.

119. In Appendix 2—

- (a) in paragraph 1—
 - (i) after “3.12” insert “,3.12A”;
 - (ii) in sub-paragraph (a)—
 - (aa) after “marriage”, the first time it appears, insert “or civil partnership, as the case may be,” and
 - (bb) after “marriage”, the second time it appears, insert “or the date on and place at which the civil partnership was formed, as the case may be”;
 - (iii) for sub-paragraph (b), substitute—
 - “(b) the last address at which—
 - (i) in a matrimonial cause, the parties to the marriage have lived together as husband and wife, and
 - (ii) in a civil partnership cause, the parties to the civil partnership have lived together as civil partners of one another;”;
 - (iv) for sub-paragraph 1(bb) substitute —
 - “(bb) where it is alleged that the court has jurisdiction—
 - (i) under the Council Regulation, state the grounds of jurisdiction under Article 3(1) of the Council Regulation;
 - (ii) under the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005, state the grounds of jurisdiction under regulation 3 of those Regulations.”;
 - (v) in paragraph (c), after “Council Regulation” insert “ or the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005, as the case may be”;
 - (vi) after paragraph (d) insert—
 - “(dd) where it is alleged that the court should assume jurisdiction under section 221(1)(c) or (2)(c) of the Act of 2004, the facts and matters relied on in support of that assertion;”;
 - (vii) in sub-paragraph (g), at the beginning, insert “in a matrimonial cause,”;
 - (viii) after sub-paragraph (g) insert—
 - “(ga) in a civil partnership cause, whether (to the knowledge of the petitioner) any other child now living has been born to either of the civil partners during the civil partnership and, if so, the full names (including surname) of the child and his date of birth or, if it be the case, that he is over 18;”;

- (ix) in sub-paragraph (i)—
 - (aa) after “marriage”, wherever it appears, insert “or civil partnership”; and
 - (bb) in sub-paragraph (iii), for “or order” substitute “, conditional order or other order”;
 - (x) in sub-paragraph (j)—
 - (aa) after “marriage” insert “or civil partnership”;
 - (bb) in sub-paragraph (v), at the beginning insert “in a matrimonial cause,”; and
 - (cc) after sub-paragraph (v), insert—
 - “(vi) in a civil partnership cause, such other facts as may be relevant to the question whether the proceedings on the petition should be stayed under the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules 2005”;
 - (xi) for sub-paragraph (l), substitute—
 - “(l) in the case of—
 - (i) a petition for divorce, that the marriage has broken down irretrievably, or
 - (ii) a petition for dissolution, that the civil partnership has broken down irretrievably,”;
 - (xii) in sub-paragraph (m), at the beginning insert “in a matrimonial cause,”; and
 - (xiii) after sub-paragraph (m) insert—
 - “(ma) in a civil partnership cause, the fact alleged by the petitioner for the purposes of section 44(5) of the Act of 2004 or, where the petition is not for a dissolution or separation order, the ground on which relief is sought, together in any case with brief particulars of the individual facts relied on but not the evidence by which they are to be proved,”;
- (b) for paragraph 2 substitute—
- “2.—(1) In a matrimonial cause, a petition for a decree of nullity under section 12(e), (f) or (h) of the Act of 1973 shall state whether the petitioner was at the time of the marriage ignorant of the facts alleged;
 - (2) In a civil partnership cause, a petition for a nullity order under section 50(1)(c) or (e) of the Act of 2004 shall state whether the petitioner was at the time of the civil partnership ignorant of the facts alleged.”;
- (c) for paragraph 3 substitute—
- “3. A petition for—
 - (a) a decree of presumption of death and dissolution of marriage; or
 - (b) an order for presumption of death and dissolution of civil partnership,shall state—
 - (i) the last place at which the parties to the marriage or civil partnership, as the case may be, cohabited;
 - (ii) the circumstances in which the parties ceased to cohabit;
 - (iii) the date when and the place where the respondent was last seen or heard of; and
 - (iv) the steps which have been taken to trace the respondent.”.

- 120.** In Appendix 3, in the entry relating to section 4(1)(c), 4(3), 5(1) etc,
- (a) in column (i)—
 - (i) after “4(3),” insert “4A(1)(b), 4A(3),”; and
 - (ii) after “13(1),” insert “14A, 14C(3), 14D,”;
 - (b) at the end of column (iii), add—

“In the case of an application under section 14A, if a care order is in force with respect to the child, the child.”; and
 - (c) in column (iv)—
 - (i) after “in the case of an application for a section 8 order” insert “or an application under section 14A or 14D”;
 - (ii) at the end of column (iv), add—

“in the case of an application under section 14A, if the child is not being accommodated by the local authority, the local authority in whose area the applicant is ordinarily resident; in the case of an application under section 14D

—

 - (a) as for applications under section 14A above, and
 - (b) the local authority that prepared the report under section 14A(8) or (9) in the proceedings leading to the order which it is sought to have varied or discharged, if different from any local authority that will otherwise be notified.”.
- 121.** After Appendix 3 insert Appendix 4 as set out in Schedule 2 to these Rules.

Consequential and Transitional Provision

122. Rule 20 of the Family Proceedings (Amendment No.2) Rules 1999(17) is revoked.

123.—(1) Where proceedings have been commenced before the date on which these Rules come into force, the 1991 Rules shall apply to those proceedings as if these Rules had not been made.

(2) Notwithstanding paragraph (1), in proceedings commenced before these Rules come into force—

- (a) where the 1991 Rules require the use of any form other than Forms M1, E, P, P1 and P2, that form may be used in those proceedings as amended or substituted by these Rules; and
- (b) any requirement in the 1991 Rules (including in any of the forms)—
 - (i) to state if either party to a marriage has remarried shall be read as also requiring him to indicate if either party has entered into a civil partnership; and
 - (ii) to state if either party has any intention to marry or remarry shall be read as also requiring him to indicate if either party has any intention to enter into a civil partnership.

(3) Where in any proceedings commenced after these Rules come into force, other than proceedings under the Civil Partnership Act 2004, the 1991 Rules require the use of any form, other than Forms M1, FL401, E, P, P1 and P2, then, subject to paragraph (2)(b) that form may be used in those proceedings as though it had not been amended or substituted by these Rules.

(4) For the purposes of this rule, ancillary relief proceedings are commenced when—

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- (a) a notice of intention to proceed with an application for ancillary relief made in a petition or answer; or
 - (b) an application for ancillary relief
- in Form A is filed with the court.

Falconer of Thoroton, C
Mark Potter, P
William Charles
Philip Waller
David Salter
Bruce Edgington

18th October 2005

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SCHEDULE 1

Rules 121 and 122

Form M1

rule 2.61

In the _____ [County Court]* *Delete as appropriate or amend if the proceedings are pending in the High Court
 [Principal Registry of the Family Division]*

No. of matter

Between _____ Petitioner Solicitor's ref _____
 and _____ Respondent Solicitor's ref _____

Statement of information for a consent order

Duration of Marriage or Civil Partnership

In the case of a marriage: Give the date of your marriage and the date of the decree absolute (if pronounced).
 In the case of a civil partnership: Give the date of the formation of the civil partnership and the date of the final order (if made).

Ages of parties

Give the age of any minor (i.e. under the age of 18) or dependant child(ren) of the family.

Petitioner _____ Respondent _____
 Child(ren) _____

Summary of means

Give, as at the date this statement is signed overleaf:

(1) the approximate amount or value of **capital resources**. If there is a property give its net equity and details of the proposed distribution of the equity.

(2) the **net income** of the petitioner and respondent and, where relevant, of minor or dependant child(ren) of the family.

(3) the value of any benefits under a **pension arrangement** which you have, or are likely to have, including the most recent valuation (if any) provided by the pension scheme.

Note: if the application is only made for an order for interim periodical payments, or for variation of an order for periodical payments, you only need to give details of 'net income'.

	(1) Capital Resources <i>(less any unpaid mortgage or charge)</i>	(2) Net Income	(3) Pension
Petitioner			
Respondent			
Children			

Where the parties and the children will live

Give details of the arrangements which are intended for the accommodation of each of the parties and any minor or dependant child(ren) of the family.

Future plans

Please tick a box and, if appropriate, give the date of the marriage or formation of the civil partnership, if you know it.

	No intention to marry, form a civil partnership, or cohabit at present	Has remarried or formed a civil partnership	Intends to marry or form a civil partnership	Intends to cohabit with another person
Petitioner	<input type="checkbox"/>	<input type="checkbox"/> Date of marriage or formation of civil partnership: _____	<input type="checkbox"/> Date of marriage or formation of civil partnership: _____	<input type="checkbox"/>
Respondent	<input type="checkbox"/>	<input type="checkbox"/> Date of marriage or formation of civil partnership: _____	<input type="checkbox"/> Date of marriage or formation of civil partnership: _____	<input type="checkbox"/>

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Notice to Mortgagee

These questions are to be answered by the applicant where the terms of the order provide for a transfer of property.

Has every mortgagee (if any) of the property been served with notice of the application? Yes No

Has any objection to a transfer of property been made by any mortgagee, within 14 days from the date when the notice of the application was served? Yes No

Notice to Pension Arrangement

These questions are to be answered by the applicant where the terms of an order include provision for a pension attachment order.

Has every person responsible for any pension arrangement been served with notice of the application and notice under Rule 2.70(7)(a) to (d) of the Family Proceedings Rules 1991? Yes No

Has any objection to an order under –
(i) section 23 of the Matrimonial Causes Act 1973 which includes provision by virtue of section 25B and section 25C of that Act; or
(ii) Part 1 of Schedule 5 to the Civil Partnership Act 2004 which includes provision by virtue of paragraphs 25 and 26 of Schedule 5 to that Act – (as the case may be) been made by a Trustee or Manager within 21 days from the date when the notice of the application was served? Yes No

Pension Sharing on Divorce or Dissolution

These questions are to be answered by the applicant where the terms of the order include provision for a pension sharing order.

Has the Pension Arrangement furnished the information required by Regulation 4 of the Pensions on Divorce etc. (Provisions of Information) Regulations 2000? Yes No

Does it appear from that information that there is power to make an order including provision under section 24B of the Matrimonial Causes Act 1973 or under paragraph 15 of Schedule 5 to the Civil Partnership Act 2004 (Pension Sharing)? Yes No

Other information

Give details of any other especially significant matters.

Signed

[Solicitor for] Petitioner

Date

[Solicitor for] Respondent

Date

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rule 2.6(6)

In the [County Court]* * Delete as appropriate
 [Principal Registry of the Family Division]*

No. of matter

Between Petitioner

and Respondent

Notice of Proceedings: Civil Partnership Act 2004

(1) and (2)
Delete as
appropriate

1. A petition for [a dissolution order] [a nullity order] [a separation order] ⁽¹⁾ ("civil partnership order") has been presented to the court. A sealed copy of it [and a copy of the petitioner's Statement of Arrangements for the child(ren)]⁽²⁾ is/are delivered with this notice.
2. You must complete and detach the acknowledgement of service and send it so as to reach the court **within 7 working days** after you receive this notice. Delay in returning the form may add to the costs.
3. If you intend to instruct a solicitor to act for you, you should at once give him all the documents which have been served on you, so that he may send the acknowledgement to the court on your behalf. If you do not intend to instruct a solicitor, you should nevertheless give an address for service in the acknowledgement so that any documents affecting your interests which are sent to you will in fact reach you. **Please remember to let the court know of any change of address.**
4. If you answer "YES" to **Question 2** (proceedings outside of England and Wales) please attach a copy of any relevant order or court documents to the acknowledgement of service.
5. Please note that if you answer "YES" to **Question 2** or "NO" to **Question 4** (disputing the jurisdiction set out in the petition) then the court will need to decide whether it has jurisdiction to entertain the proceedings.
6. If you answer "YES" to **Questions 7 or 9** you must file in the court office an answer to the petition together with a copy for every other party. You must file your answer **within 21 days** after the time for giving notice of intention to defend has expired, which is in turn **7 working days** after this notice has been served on you. You may have to pay a fee. Details of the fee required and information about what to do if you cannot pay all or part of that fee can be obtained from any civil partnership proceedings county court or the Principal Registry of the Family Division.
7. Before you answer "YES" to **Question 8** you should understand that –
 - (a) if the petitioner satisfies the court that you and the petitioner have been living apart for at least 2 years immediately before the presentation of the petition and that you consent to the making of a civil partnership order, the court will grant one unless, in the case of an application for a dissolution order, it considers that the civil partnership has not broken down irretrievably;
 - (b) a dissolution order or nullity order which has been made final will end your civil partnership so that –
 - (i) any right you may have to a pension which depends on the continuation of the civil partnership will be affected;
 - (ii) you will not be able to claim a State surviving civil partner's pension when the petitioner dies;
 - (iii) any home rights you may have under Part IV of the Family Law Act 1996 will cease unless the court has ordered otherwise before the final order is made;

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- (c) once the court makes a final dissolution order or final nullity order or a separation order you will lose the right to inherit from the petitioner if he or she dies without making a will;
- d) once the court makes a final dissolution order or final nullity order and the petitioner dies having made a will, subject to any contrary intention which appears in the will, you will lose
 - i) any right you may have under the will to act as executor, trustee or as a donee of a power of appointment;
 - ii) any right you may have to take any gift under the will;
- e) once the court makes a final dissolution order or final nullity order, if the petitioner has appointed you to become on his or her death, guardian of his or her child(ren), subject to any expressed contrary intention, you will lose any right you may have to act as guardian;
- (f) a civil partnership order may have other consequences for you depending on the particular circumstances of your case. If you are in any doubt about these you would be well advised to consult a solicitor.

8. If after consenting to the making of a civil partnership order you wish to withdraw your consent you must immediately inform the court and give notice to the petitioner.

(3)
Delete this paragraph if the petition for dissolution is not based on the fact of two years separation and consent

9.⁽³⁾ The petitioner relies in support of the petition on the fact that the civil partners have lived apart for at least two years prior to the issue of the petition and that you, the respondent, consent to an order being made. Section 48 of the Civil Partnership Act 2004 provides that if in such a case the respondent applies to the court for it to consider the respondent's financial position after the dissolution of the civil partnership, then a conditional dissolution order based on these facts cannot be made final unless the court is satisfied that the petitioner has or will make proper provision for the respondent, or else that the petitioner should not be required to make any financial provision for the respondent. **It is important that you consider this carefully before answering Question 10 in the acknowledgement.**

(4)
Delete this paragraph if the petition for dissolution is not issued on the ground of five years separation

10.⁽⁴⁾ The petitioner relies in support of the petition on the fact that the civil partners have lived apart for at least five years prior to the issue of the petition. Section 48 of the Civil Partnership Act 2004 provides that if in such a case the respondent applies to the court for it to consider the respondent's financial position after the dissolution of the civil partnership, then a conditional dissolution order based on this fact alone cannot be made final unless the court is satisfied that the petitioner has or will make proper provision for the respondent, or else that the petitioner should not be required to make any financial provision for the respondent. Paragraph of the petition will tell you whether the petitioner proposes to make any financial provision for you. **It is important that you consider this carefully before answering Question 10 in the acknowledgement.**

If you answer "YES" to **Question 10** you must, before the dissolution order is made final, make an application to the court by filing and serving Form B, which may be obtained from the court.

11. The following information should help you to answer **Question 11**, please read this paragraph before answering that question –

- (i) if you do not wish to defend the case **but object to the claim for costs**, you should answer "YES" to Question 11 in the acknowledgement and explain why you object. An objection cannot be entertained unless the reasons you give, if established, would form a valid reason for not paying the costs. If you provide such reasons you will be notified of a date on which you must attend before the judge if you wish to pursue your objection;
- (ii) if you do not object to the claim for costs but simply **wish to be heard on the amount allowed** you should answer "NO" to Question 11.

12. Please note that if you are ordered to pay costs, the amount will, unless agreed between the petitioner and yourself, be fixed by the court, or will be settled by the court after the petitioner has lodged his or her bill of costs. In the latter case, you will be sent a copy of the bill, and have the right to be heard about the amount before it is settled.

D508(6)

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(5)
Delete this paragraph if there are no children of the family

13.⁽⁵⁾ Please answer **Question 12**. If you answer "YES" to Question 12(c) you must sign and date the form at 13 on the acknowledgement.

14. If you wish to contest the petitioner's financial or property claim you will have an opportunity of doing so when you receive a notice stating that the petitioner intends to proceed with the claim. You will then be required to file an affidavit giving particulars of your property and income and be notified of the date when the claim is to be heard.

15. If you wish to make some financial or property claim of your own, you will need to make a separate application. If you are in doubt as to the consequences of the dissolution, nullity or separation order on your financial position, you should obtain legal advice from a solicitor.

16. If you wish to make an application for –

- (i) a Residence Order;
- (ii) a Contact Order;
- (iii) a Specific Issue Order;
- (iv) a Prohibited Steps Order

in respect of a child you will have to make a separate application on Form C2. You can get this form from the court office. Before you apply for any of these orders, or any other orders, which may be made available to you under Part I or II of the Children Act 1989, you are advised to see a solicitor.

17. Where a petition for a nullity order is brought on the ground –

- (a) that an interim gender recognition certificate has been issued to either civil partner (section 50(1)(d) of the Civil Partnership Act 2004) and such a certificate has been issued to you; or
- (b) that you are a person whose gender, at the time of the formation of the civil partnership, had become the acquired gender under the Gender Recognition Act 2004 (section 50(1)(e) of the Civil Partnership Act 2004) and a full gender recognition certificate has been issued to you

– you must, when returning the acknowledgement of service, attach to it a copy of that certificate.

Dated:

D508(6)

Form M6A

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rule 2.6(6)

In the [County Court]* * Delete as appropriate
 [Principal Registry of the Family Division]*
 No. of matter
 Between Petitioner
 and Respondent

If you intend to instruct a solicitor to act for you, give him or her this form immediately.
 Read carefully the Notice of Proceedings before answering the following questions.
 Please complete using black ink.

1. Have you received the petition delivered with this form?	
2. Are there any proceedings continuing in any country outside England and Wales which relate to the civil partnership or are capable of affecting its validity or subsistence? If YES, please provide the following information: (a) particulars of the proceedings, including the court in or tribunal or authority before which they were begun; (b) the date when they were begun; (c) the names of the parties; (d) the date or expected date of any trial in the proceedings; and (e) such other facts as may be relevant to the question whether the proceedings on the petition should be stayed.	
3. In which country are you – (a) habitually resident? (b) domiciled? Of which country are you a national?	
4. Do you agree with the statement of the petitioner as to the grounds of jurisdiction set out in the petition? If not, please state the grounds on which you disagree with that statement.	
5. On which date and at what address did you receive the petition?	On the day of 20 at
6. Are you the person named as the Respondent in the petition?	
7. Do you intend to defend the case?	
8. Do you consent to a civil partnership order being made?	
9. Do you intend to oppose the grant of a dissolution order on the ground that the dissolution will result in grave financial or other hardship to you and that in all the circumstances it would be wrong to dissolve the civil partnership?	

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

<p>10. In the event of a conditional dissolution order being made on the basis of two years' separation coupled with the respondent's consent, or five years' separation, do you intend to apply to the court for it to consider your financial position after the dissolution?</p>	
<p>11. Even if you do not intend to defend the case do you object to paying the costs of the proceedings? If so, why do you object?</p>	
<p>12. (a) Have you received a copy of the Statement of Arrangements for the child(ren)? (b) What was the date of the Statement of Arrangements? (this is the date besides the petitioner's signature at Part 3 of that form) (c) Do you agree with the proposals in that Statement of Arrangements?</p> <p>Notes If you answer NO to Question (c) you may file a written statement of your views on the present and proposed arrangements for the children. If possible, please send that form to the court at the same time as you return this form. A blank Statement of Arrangements can be obtained from any civil partnership proceedings or divorce county court.</p>	
<p>13. Please complete the information in this box if you answered – YES to Question 8; or YES to Question 12(c); or You do not have a solicitor acting for you.</p> <p>Signed: Date:</p> <p>Address for service: *</p> <p>.....</p> <p>*Note: If you are acting on your own you should also put your place of residence, or if you do not reside in England or Wales the address of a place in England and Wales to which documents may be sent to you. If you subsequently wish to change your address for service, you must notify the court.</p>	
<p>14. I am / We are acting for the Respondent in this matter.</p> <p>Signed: Date: (Solicitor(s) for the Respondent)</p> <p>Address for service:</p> <p>.....</p> <p>Note: If your client answered YES to Question 8 or 12(c) your client must sign and date section 13 above.</p>	

D510(6)

Form M7(f)

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

rule 2.24(3A)

Family Proceedings
Rule 2.24(3A)

Affidavit by petitioner in support of petition for annulment under Section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the Matrimonial Causes Act 1973 or Section 50(1)(d) of the Civil Partnership Act 2004

No. of Matter

In the

County Court*

**Delete as appropriate*

[Principal Registry of the Family Division*]

Between (Petitioner)
and (Respondent)

Question	Answer
About the Petition	
1. Have you read the petition in this case?	
2. Do you wish to alter or to add to any statement in the petition? If so, state the alterations or additions.	
3. Subject to these alterations or additions (if any) is everything stated in your petition true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your information and belief.	
About the interim gender recognition certificate	
4. State the date on which the interim gender recognition certificate was issued: State the serial number of the interim certificate: State the name of the person to whom the certificate has been issued: State the date on which you commenced proceedings to annul your marriage or civil partnership: You must attach a copy of the interim gender recognition certificate to this form.	

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

<p>About other proceedings</p> <p>5. To the best of your knowledge and belief has there been or is there continuing any of the following proceedings:</p> <ul style="list-style-type: none">• an application to amend an error in the interim certificate;• an appeal against a decision to amend (or not to amend) an error in the interim certificate;• a reference under section 8(5) of the Gender Recognition Act 2004; or• an appeal against a decision made following a reference under section 8(5)? <p>If so, please give details of those proceedings and any order made. (You should also attach copies of any orders made.)</p>	
<p>About the children of the family</p> <p>6. Has a Statement of Arrangements been filed in this case?</p> <p>If so, answer questions 7, 8 and 9.</p>	
<p>7. Have you read the Statement of Arrangements filed in this case?</p>	
<p>8. Do you wish to alter anything in the Statement of Arrangements or add to it?</p> <p>If so, state the alterations or additions.</p>	
<p>9. Subject to these alterations and additions (if any) is everything stated in the Statement of Arrangements true?</p> <p>If any statement is not within your own knowledge, indicate this and say whether it is true and correct to the best of your information and belief.</p>	

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

I, _____ (full name)
of _____ (full residential address)

_____ (occupation)

make oath and say as follows:-

1. I am the petitioner in this cause.
2. **The answers to Questions 1 to 9 above are true.**
- 3.⁽¹⁾ I identify the signature⁽²⁾
appearing in the copy acknowledgment of service now produced to me and marked "A"
as the signature of my husband/wife/civil partner, the respondent in this cause.
4. I exhibit marked "B" a copy of the interim gender recognition certificate issued to myself/
the respondent in this cause.
5. ⁽³⁾
6. I identify the signature⁽²⁾
appearing at Part IV of the Statement of Arrangements dated
now produced to me and marked "C" as the signature of the respondent.
7. I ask the court to grant a decree annulling my [marriage][civil partnership]⁽⁴⁾ with the
respondent on the ground stated in my petition [and to order the respondent/
co-respondent to pay the costs of this suit]⁽⁵⁾.

(1) Delete if the acknowledgment is signed by a solicitor.

(2) Insert name of the respondent exactly as it appears on the acknowledgment of service signed by him or her.

(3) If you have answered "Yes" to question 5, exhibit any document on which you wish to rely.

(4) and (5) Amend or delete as appropriate.

Sworn at _____)
in the County of _____)
this _____ day of _____, 20 _____)

Before me,

A Commissioner for Oaths
Officer of the Court appointed by
the Judge to take Affidavits.⁽⁵⁾

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

**Delete as appropriate*

No. of Matter

In the County Court*
[Principal Registry of the Family Division]*

Between

(Petitioner)

and

(Respondent)

Affidavit by Petitioner in support of petition
under Section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to,
the Matrimonial Causes Act 1973 or Section 50(1)(d) of the
Civil Partnership Act 2004

Solicitors for the Petitioner

Form M7(g)

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

rule 2.24(3A)

Affidavit by petitioner in support of petition under Section
44(5)(a), (b), (c) or (d) of the Civil Partnership Act 2004

Family Proceedings
Rule 2.24(3A)

No. of Matter

In the

County Court*

**Delete as appropriate*

[Principal Registry of the Family Division*]

Between (Petitioner)

and (Respondent)

This affidavit is divided into a number of Parts.
PART 1 (About the Civil Partnership Petition),
PART 5 (About the Children of the Family) and
PART 6 should be completed in every case.

You must also complete:
 PART 2 – if you are relying on section 44(5)(a) (Behaviour)
 PART 3 – if you are relying on section 44(5)(b) or (c) (Two years separation or five years separation)
 PART 4 – if you are relying on section 44(5)(d) (Desertion)

PART 1: About the Civil Partnership Petition	
Question	Answer
1. Have you read the petition in this case?	
2. Do you wish to alter or to add to any statement in the petition? If so, state the alterations or additions.	
3. Subject to these alterations or additions (if any) is everything stated in your petition true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your information and belief.	

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

PART 2: Petition under Section 44(5)(a) (Behaviour)	
Question	Answer
<p>4. Do you consider that the respondent's behaviour has affected your health?</p> <p>If so, state the effect that it has had on your health:</p>	
<p>5. (i) Is the respondent's behaviour as set out in your petition continuing?</p> <p>ii) If the respondent's behaviour is not continuing, what was the date of the final incident relied upon by you in your petition?</p>	
<p>6. (i) Since the date given in answer to Question 5(ii) above or, if no date is given in answer to that question, since the date of the petition, have you lived at the same address as the respondent for a period of more than 6 months, or for periods which together amount to more than 6 months?</p> <p>ii) If so, state the address and the period (or periods), giving dates to the best of your knowledge or belief, and describe the arrangements for sharing the accommodation, including:</p> <ul style="list-style-type: none"> • whether you have shared a bedroom; • whether you have taken your meals together; • what arrangements you have made for cleaning the accommodation and for other domestic tasks; • what arrangements you have made for the payment of household bills and other expenses. 	
PART 3: Petition under Section 44(5)(b) or (c) (Two years separation or five years separation)	
Question	Answer
<p>7. State the date on which you and the respondent separated.</p>	
<p>8. State briefly the reason, or main reason, for the separation.</p>	
<p>9. State the date when, and the circumstances in which, you came to the conclusion that the civil partnership was in fact at an end.</p>	

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

10. State as far as you know the various addresses at which you and the respondent have respectively lived since the last date given in the answer to Question 7, and the periods of residence at each address.

	Petitioner's Address		Respondent's Address
From		From	
to		to	
<p>11. Since the last date given in the answer to Question 7, have you ever lived with the respondent in the same household?</p> <p>If so, state the address and the period (or periods), giving dates.</p>			

PART 4: Petition under Section 44(5)(d) (Desertion)

Question	Answer
<p>12. State the date on which you and the respondent separated, and, if different, the date on which the alleged desertion began.</p> <p>Did you agree to the separation?</p>	
<p>13. State briefly the facts you rely on in support of the allegation that the respondent deserted you, and your reason for saying that the desertion continued up to the presentation of the petition.</p>	
<p>14. Did the respondent ever offer to resume cohabitation?</p>	

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

15. State as far as you know the various addresses at which you and the respondent have respectively lived since the last date given in the answer to Question 12, and the periods of residence at each address.

	Petitioner's Address		Respondent's Address
From		From	
to		to	

16. Since the last date given in the answer to Question 12, have you ever lived with the respondent in the same household?
- If so, state the address and the period (or periods), giving dates.

PART 5: About the children of the family

Question	Answer
<p>17. Has a Statement of Arrangements been filed in this case?</p> <p>If so, answer questions 18, 19 and 20.</p>	
<p>18. Have you read the Statement of Arrangements filed in this case?</p>	
<p>19. Do you wish to alter anything in the Statement of Arrangements or add to it?</p> <p>If so, state the alterations or additions.</p>	
<p>20. Subject to these alterations and additions (if any) is everything stated in the Statement of Arrangements true?</p> <p>If any statement is not within your own knowledge, indicate this and say whether it is true and correct to the best of your information and belief.</p>	

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

I, _____ (full name)
of _____ (full residential address)

_____ (occupation)

make oath and say as follows:-

- (1) Delete as appropriate. 1. I am the petitioner in this cause.
- (2) Delete if the acknowledgment is signed by a solicitor. 2. **I confirm that the answers given in Part 1 and 5 and Part [2] [3] [4]⁽¹⁾ above are true.**
- (3) Insert name of the respondent exactly as it appears on the acknowledgment of service signed by him or her. 3.⁽²⁾ I identify the signature⁽³⁾ appearing in the copy acknowledgment of service now produced to me and marked "A" as the signature of my civil partner, the respondent in this cause.
- (4) Exhibit any medical report or document on which the petitioner wishes to rely. 4. I exhibit marked "B" a certificate/report of Dr.⁽⁴⁾
- (5) If the petitioner seeks a separation order, amend accordingly. 5. I identify the signature⁽³⁾ appearing at Part IV of the Statement of Arrangements dated now produced to me and marked "C" as the signature of the respondent.
- (6) Amend or delete as appropriate. 6. I ask the court to grant a decree dissolving my civil partnership⁽⁵⁾ with the respondent on the ground stated in my petition [and to order the respondent/co-respondent to pay the costs of this suit]⁽⁶⁾.

Sworn at _____)
in the County of _____)
this _____ day of _____, 20 _____)

(7) Delete as the case may be.

Before me,

A Commissioner for Oaths
Officer of the Court appointed by
the Judge to take Affidavits.⁽⁷⁾

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

rule 2.49(1)

¹
Amend if the proceedings are pending in High Court

In the

County Court¹

[Principal Registry of the Family Division]

No. of matter

Between *Petitioner*

And *Respondent*

And *Co-Respondent*



⁽¹⁾
Delete as appropriate

TAKE NOTICE that the Petitioner [or Respondent]⁽¹⁾ applies for –

⁽²⁾
Delete if the petition seeks an order under the Civil Partnership Act 2004

1.⁽²⁾ the decree nisi pronounced in his [her] favour on the day of 20 ,
to be made absolute.

⁽³⁾
Delete if the petition seeks a decree under the Matrimonial Causes Act 1973

2.⁽³⁾ the conditional order made in his [her] favour on the day of 20 ,
to be made final.

Dated this day of 20 .

Signed

[Solicitors for the] Petitioner
[or Respondent]

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

rule 3.16(11)

¹
Amend if the proceedings are pending in High Court

In the

County Court¹

[High Court of Justice Family Division]

No. of matter

Between *Petitioner*

and *Respondent*



Upon the petition of (the petitioner)
and upon hearing (the petitioner)
and (the respondent)

It is declared * that the civil partnership between and
..... was a valid civil partnership at its inception, namely
the day of 20 ..

Dated

** or where a declaration is made under section 58(1)(b) of the Civil Partnership Act 2004, the following form shall be followed:-*

... that the civil partnership between and
..... subsisted on the day of 20 ..

** or where a declaration is made under section 58(1)(c) of the Civil Partnership Act 2004, the following form shall be followed:-*

... that the civil partnership between and
..... did not subsist on the day of 20 ..

** or where a declaration is made under section 58(1)(d) of the Civil Partnership Act 2004, the following form shall be followed:-*

... that the dissolution, [or annulment or legal separation] in respect of
and (*the parties to the civil partnership*)
obtained on the day of 20 in
(*state the country where the dissolution, annulment or legal separation was obtained*) is entitled to recognition in
England and Wales.

** or where a declaration is made under section 58(1)(e) of the Civil Partnership Act 2004, the following form shall be followed:-*

... that the dissolution, [or annulment or legal separation] in respect of
and (*the parties to the civil partnership*)
obtained on the day of 20 in
(*state the country where the dissolution, annulment or legal separation was obtained*) is not entitled to recognition in
England and Wales.

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

Supplement for an application for a Special Guardianship Order Section 14A Children Act 1989

Name of court	
Case no.	
Date issued	

Full name(s) of the child(ren)	Child(ren's) number(s)

1. Your relationship to the child(ren)

State whether

- you are a guardian
- you are a person in whose favour a residence order is in force (Section 14A (5)(b))
- you are a person with whom the child has lived for 3 out of the last 5 years
- you are a person who:
 - if a residence order is in force, has the consent of every person in whose favour the order was made
 - if the child is in the care of the local authority, the consent of that authority
 - in any other case, has the consent of every person with parental responsibility
- you are a local authority foster parent with whom the child has lived for a period of at least one year immediately preceding the application (Section 14A(5)(d))
- you are applying to the court for permission to make this application; or
- the court gave permission for you to apply for a special guardianship order. In this case please state the name of the court and the date of the order.

2. Notification to the Local Authority

Please state below the name of the local authority (if the child is looked after by a local authority, give details of that authority otherwise give the details of the local authority where you normally live). Give the date on which you notified them of your intention to make an application to the court for a special guardianship order (Section 14A(7)). If you notified the local authority less than three months before making this application please state whether an application to adopt the child named above has been made; the name of the court in which the application is proceeding and, where known, the court case number.

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

3. The reason(s) for the application:

State briefly your reasons for applying. Please only provide brief details, including brief details of any request you have made or will be making to the local authority for special guardianship support services. You may be asked to provide a full statement later.

4. Your plans for the child(ren)

Include

- details of any existing arrangements or arrangements you intend to make to allow the child(ren) contact with a parent, relative or other person (Section 14B(1)(a))
- details of any existing residence, contact, prohibited steps or specific issues order which you would like the court to vary or discharge (Section 14B(1)(b))
- any condition you will invite the court to impose pursuant to Section 14E(5) of the Children Act 1989

Signed _____
(Applicant)

Date _____

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



In the

Case Number:

Child(ren's) Number(s):

Order	[Special Guardianship Order Section 14A(1) Children Act 1989] [Variation of a Special Guardianship Order Section 14D(1) Children Act 1989] [Discharge of a Special Guardianship Order Section 14D(1) Children Act 1989]
	<hr/>
	The full name(s) of the child(ren) Date(s) of Birth

The Court Orders

Warning Where a Special Guardianship Order is in force no person may cause the child[ren] to be known by a new surname or remove the child[ren] from the United Kingdom without either the written consent of every person who has parental responsibility for the child[ren] or the leave of the court.

However, this does not prevent the removal of [a] [the] child[ren], for a period less than 3 months, by [his][her][their] special guardian(s)] (Section 14C (3) and (4) Children Act 1989).

It may be a criminal offence under the Child Abduction Act 1984 to remove the child[ren] from the United Kingdom without leave of the court.

Notice Any person with parental responsibility for [a] child[ren] may obtain advice on what can be done to prevent the issue of a passport to the child[ren]. They should write to The United Kingdom Passport Agency, [Globe House, 89 Eccleston Square, LONDON, SW1V 1PN].

Ordered by	[Mr] [Mrs] Justice [His] [Her] Honour Judge District Judge [of the Family Division] District Judge (Magistrates' Courts) Justice[s] of the Peace Recorder
On	at [am] [pm]

C134

Form FL401

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

rule 3A

Application for:
a non-molestation order
an occupation order

Family Law Act 1996 (Part IV)

The court

To be completed by the court
Date issued
Case number

Please read the accompanying notes as you complete this form.

1 About you (the applicant)

State your title (Mr, Mrs etc), full name, address, telephone number and date of birth (if under 18):

State your solicitor's name, address, reference, telephone, FAX and DX numbers:

2 About the respondent

State the respondent's name, address and date of birth (if known):

3 The Order(s) for which you are applying

This application is for:

- a non-molestation order
- an occupation order
- Tick this box if you wish the court to hear your application without notice being given to the respondent. The reasons relied on for an application being heard without notice must be stated in the statement in support.

**4 Your relationship to the respondent
(the person to be served with this
application)**

Your relationship to the respondent is:

(Please tick only one of the following)

- 1 Married
- 2 Civil Partners
- 3 Were married
- 4 Former civil partners
- 5 Cohabiting
- 6 Were cohabiting
- 7 Both of you live or have lived in the same household
- 8 Relative
State how related:
- 9 Agreed to marry.
Give the date the agreement was made.
If the agreement has ended, state when.
- 10 Agreed to form a civil partnership.
Give the date the agreement was made.
If the agreement has ended, state when.
- 11 Both of you are parents of, or have parental responsibility for, a child
- 12 One of you is a parent of a child and the other has parental responsibility for that child

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-
- 13 One of you is the natural parent or grandparent of a child adopted, placed or freed for adoption, and the other is:
- (i) the adoptive parent
 - or (ii) a person who has applied for an adoption order for the child
 - or (iii) a person with whom the child has been placed for adoption
 - or (iv) the child who has been adopted, placed or freed for adoption.
- State whether (i), (ii), (iii) or (iv):

- 14 Both of you are the parties to the same family proceedings (see also Section 11 below).

5 Application for a non-molestation order

If you wish to apply for a non-molestation order, state briefly in this section the order you want.

Give full details in support of your application in your supporting evidence.

6 Application for an occupation order

If you do not wish to apply for an occupation order, please go to section 9 of this form.

- (A) State the address of the dwelling-house to which your application relates:
- (B) State whether it is occupied by you or the respondent now or in the past, or whether it was intended to be occupied by you or the respondent:
- (C) State whether you are entitled to occupy the dwelling-house: Yes No

If yes, explain why:

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

(D) State whether the respondent is entitled to occupy the dwelling-house: Yes No

If yes, explain why:

On the basis of your answers to (C) and (D) above, tick one of the boxes 1 to 6 below to show the category into which you fit

1 a spouse or civil partner who has home rights in the dwelling-house, or a person who is entitled to occupy it by virtue of a beneficial estate or interest or contract or by virtue of any enactment giving him or her the right to remain in occupation.

If you tick box 1, state whether there is a dispute or pending proceedings between you and the respondent about your right to occupy the dwelling-house.

2 a former spouse or former civil partner with no existing right to occupy, where the respondent spouse or civil partner is so entitled.

3 a cohabitant or former cohabitant with no existing right to occupy, where the respondent cohabitant or former cohabitant is so entitled.

4 a spouse or former spouse who is not entitled to occupy, where the respondent spouse or former spouse is also not entitled.

5 a civil partner or former civil partner who is not entitled to occupy, where the respondent civil partner or former civil partner is also not entitled.

6 a cohabitant or former cohabitant who is not entitled to occupy, where the respondent cohabitant or former cohabitant is also not entitled.

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

Home Rights

If you do have home rights please:

State whether the title to the land is registered or unregistered (if known):

If registered, state the Land Registry title number (if known):

If you wish to apply for an occupation order, state briefly here the order you want. Give full details in support of your application in your supporting evidence:

7 Application for additional order(s) about the dwelling-house

If you want to apply for any of the orders listed in the notes to this section, state what order you would like the court to make:

8 Mortgage and rent

Is the dwelling-house subject to a mortgage?

Yes No

If yes, please provide the name and address of the mortgagee:

Is the dwelling-house rented?

Yes No

If yes, please provide the name and address of the landlord:

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

9 At the court

Will you need an interpreter at court?

Yes No

If yes, specify the language:

If you require an interpreter, you must notify the court immediately so that one can be arranged.

If you have a disability for which you require special assistance or special facilities, please state what your needs are. The court staff will get in touch with you about your requirements.

10 Other information

State the name and date of birth of any child living with or staying with, or likely to live with or stay with, you or the respondent:

State the name of any other person living in the same household as you and the respondent, and say why they live there:

11 Other Proceedings and Orders

If there are any other current family proceedings or orders in force involving you and the respondent, state the type of proceedings or orders, the court and the case number. This includes any application for an occupation order or non-molestation order against you by the respondent.

This application is to be served upon the respondent

Signed:

Date:

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

Application for non-molestation order or occupation order Notes for guidance

Section 1

If you do not wish your address to be made known to the respondent, leave the space on the form blank and complete Confidential Address Form C8. The court can give you this form.

If you are under 18, someone over 18 must help you make this application. That person, who might be one of your parents, is called a 'next friend'.

If you are under 16, you need permission to make this application. You must apply to the High Court for permission, using this form. If the High Court gives you permission to make this application, it will then either hear the application itself or transfer it to a county court.

Section 3

An urgent order made by the court before the notice of the application is served on the respondent is called an ex-parte order. In deciding whether to make an ex-parte order the court will consider all the circumstances of the case, including:

- any risk of significant harm to the applicant or a relevant child, attributable to conduct of the respondent, if the order is not made immediately
- whether it is likely that the applicant will be deterred or prevented from pursuing the application if an order is not made immediately
- whether there is reason to believe that the respondent is aware of the proceedings but is deliberately evading service and that the applicant or a relevant child will be seriously prejudiced by the delay involved.

If the court makes an ex-parte order, it must give the respondent an opportunity to make representations about the order as soon as just and convenient at a full hearing.

'Harm' in relation to a person who has reached the age of 18 means ill-treatment or the impairment of health, and in relation to a child means ill-treatment or the impairment of health and development.

'Ill-treatment' includes forms of ill-treatment which are not physical and, in relation to a child, includes sexual abuse. The court will require evidence of any harm which you allege in support of your application.

Section 4

For you to be able to apply for an order you must be related to the respondent in one of the ways listed in this section of the form. If you are not related in one of these ways you should seek legal advice.

Cohabitants are two persons who, although not married to each other, nor civil partners of each other, are living together as husband and wife or civil partners. People who have cohabited, but have then married or formed a civil partnership will not fall within this category but will fall within the category of married people or people who are civil partners of each other.

Those who live or have lived in the same household do not include people who share the same household because one of them is the other's employee, tenant, lodger or boarder.

You will only be able to apply as a relative of the respondent if you are:

(A) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson, granddaughter of the respondent or of the respondent's spouse, former spouse, civil partner or former civil partner.

(B) the brother, sister, uncle, aunt, niece, nephew or first cousin (whether of the full blood or of the half blood or by marriage or by civil partnership) of the respondent or of the respondent's spouse, former spouse, civil partner or former civil partner.

This includes, in relation to a person who is living or has lived with another person as husband and wife or as civil partners, any person who would fall within (A) or (B) if the parties were married to, or civil partners of, each other (for example, your cohabitee's father or brother).

Agreements to marry: You will fall within this category only if you make this application within three years of the termination of the agreement. The court will require the following evidence of the agreement:

- evidence in writing
- or the gift of an engagement ring in contemplation of marriage
- or evidence that a ceremony has been entered into in the presence of one or more other persons assembled for the purpose of witnessing it.

Agreements to form a civil partnership: You will fall within this category only if you make this application within three years of the termination of the agreement. The court will require the following evidence of the agreement:

- evidence in writing
- or a gift from one party to the agreement to the other as a token of the agreement
- or evidence that a ceremony has been entered into in the presence of one or more other persons assembled for the purpose of witnessing it.

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

Section 4 continued

Parents and parental responsibility:

You will fall within this category if

both you and the respondent are either the parents of the child or have parental responsibility for that child

or if one of you is the parent and the other has parental responsibility.

Under the Children Act 1989, parental responsibility is held automatically by a child's mother, and by the child's father if he and the mother were married to each other at the time of the child's birth or have married subsequently. Where, a child's father and mother are not married to each other at the time of the child's birth, the father may also acquire parental responsibility for that child, if he registers the birth after 1st December 2003, in accordance with section 4(1)(a) of the Children Act 1989. Where neither of these circumstances apply, the father, in accordance with the provisions of the Children Act 1989, can acquire parental responsibility.

From 30 December 2005, where a person who is not the child's parent ("the step-parent") is married to, or a civil partner of, a parent who has parental responsibility for that child, he or she may also acquire parental responsibility for the child in accordance with the provisions of the Children Act 1989.

Section 5

A non-molestation order can forbid the respondent from molesting you or a relevant child. Molestation can include, for example, violence, threats, pestering and other forms of harassment. The court can forbid particular acts of the respondent, molestation in general, or both.

Section 6

If you wish to apply for an occupation order but you are uncertain about your answer to any question in this part of the application form, you should seek legal advice.

(A) A dwelling-house includes any building or part of a building which is occupied as a dwelling; any caravan, houseboat or structure which is occupied as a dwelling; and any yard, garden, garage or outhouse belonging to it and occupied with it.

(C) & (D) The following questions give examples to help you to decide if you or the respondent, or both of you, are entitled to occupy the dwelling-house:

- (a) Are you the sole legal owner of the dwelling-house?
- (b) Are you and the respondent joint legal owners of the dwelling-house?
- (c) Is the respondent the sole legal owner of the dwelling-house?
- (d) Do you rent the dwelling-house as a sole tenant?
- (e) Do you and the respondent rent the dwelling-house as joint tenants?

(f) Does the respondent rent the dwelling-house as a sole tenant?

If you answer

- **Yes** to (a), (b), (d) or (e) you are likely to be entitled to occupy the dwelling-house
- **Yes** to (c) or (f) you may not be entitled (unless, for example, you are a spouse or civil partner and have home rights – see notes under 'Home Rights' below)
- **Yes** to (b), (c), (e) or (f), the respondent is likely to be entitled to occupy the dwelling-house
- **Yes** to (a) or (d) the respondent may not be entitled (unless, for example, he or she is a spouse or civil partner and has home rights).

Box 1 For example, if you are sole owner, joint owner or if you rent the property. If you are not a spouse, former spouse, civil partner, former civil partner, cohabitant or former cohabitant of the respondent, you will only be able to apply for an occupation order if you fall within this category.

If you answer yes to this question, it will not be possible for a magistrates' court to deal with the application, unless the court decides that it is unnecessary for it to decide this question in order to deal with the application or make the order. If the court decides that it cannot deal with the application, it will transfer the application to a county court.

Box 2 For example, if the respondent is or was married to you, or if you and the respondent are or were civil partners, and he or she is sole owner or rents the property.

Box 3 For example, if the respondent is or was cohabiting with you and is sole owner or rents the property.

Home Rights

Where one spouse or civil partner "**(A)**" is entitled to occupy the dwelling-house by virtue of a beneficial estate or interest or contract or by virtue of any enactment giving him or her the right to remain in occupation, and the other spouse or civil partner "**(B)**" is not so entitled, then **B** (who is not entitled) has home rights.

The rights are

- (a) if **B** is in occupation, not to be evicted or excluded from the dwelling-house except with the leave of the court; and
- (b) if **B** is not in occupation, the right, with the leave of the court, to enter into and occupy the dwelling-house.

Note: Home Rights do not exist if the dwelling-house has never been, and was never intended to be, the matrimonial or civil partnership home of the two spouses or civil partners. If the marriage or civil partnership has come to an end, home rights will also have ceased, unless a court order has been made during the marriage or civil partnership for the rights to continue after the end of that relationship.

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Section 6 (continued)

Occupation Orders

The possible orders are:

If you have ticked box 1 above, an order under section 33 of the Act may:

- enforce the applicant’s entitlement to remain in occupation as against the respondent
- require the respondent to permit the applicant to enter and remain in the dwelling-house or part of it
- regulate the occupation of the dwelling-house by either or both parties
- if the respondent is also entitled to occupy, the order may prohibit, suspend or restrict the exercise by him, of that right
- restrict or terminate any home rights of the respondent
- require the respondent to leave the dwelling-house or part of it
- exclude the respondent from a defined area around the dwelling-house
- declare that the applicant is entitled to occupy the dwelling-house or has home rights in it
- provide that the home rights of the applicant are not brought to an end by the death of the other spouse or civil partner or termination of the marriage or civil partnership.

If you have ticked box 2 or box 3 above, an order under section 35 or 36 of the Act may:

- give the applicant the right not to be evicted or excluded from the dwelling-house or any part of it by the respondent for a specified period
- prohibit the respondent from evicting or excluding the applicant during that period
- give the applicant the right to enter and occupy the dwelling-house for a specified period
- require the respondent to permit the exercise of that right
- regulate the occupation of the dwelling-house by either or both of the parties
- prohibit, suspend or restrict the exercise by the respondent of his right to occupy
- require the respondent to leave the dwelling-house or part of it
- exclude the respondent from a defined area around the dwelling-house.

If you have ticked box 4 or box 5 above, an order under section 37 or 38 of the Act may:

- require the respondent to permit the applicant to enter and remain in the dwelling-house or part of it
- regulate the occupation of the dwelling-house by either or both of the parties
- require the respondent to leave the dwelling-house or part of it
- exclude the respondent from a defined area around the dwelling-house.

You should provide any evidence which you have on the following matters in your evidence in support of this application. If necessary, further statements may be submitted after the application has been issued.

If you have ticked box 1, box 4 or box 5 above, the court will need any available evidence of the following:

- the housing needs and resources of you, the respondent and any relevant child
- the financial needs of you and the respondent
- the likely effect of any order, or any decision not to make an order, on the health, safety and well-being of you, the respondent and any relevant child
- the conduct of you and the respondent in relation to each other and otherwise.

If you have ticked box 2 above, the court will need any available evidence of:

- the housing needs and resources of you, the respondent and any relevant child
- the financial resources of you and the respondent
- the likely effect of any order, or of any decision not to make an order on the health, safety and well-being of you, the respondent and any relevant child
- the conduct of you and the respondent in relation to each other and otherwise
- the length of time that has elapsed since you and the respondent ceased to live together
- where you and the respondent were married, the length of time that has elapsed since the marriage was dissolved or annulled
- where you and the respondent were civil partners, the length of time that has elapsed since the dissolution or annulment of the civil partnership

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Section 6 (continued)

- the existence of any pending proceedings between you and the respondent:
 - under section 23A of the Matrimonial Causes Act 1973 (property adjustment orders in connection with divorce proceedings etc.)
- or under Part 2 of Schedule 5 to the Civil Partnership Act 2004 (property adjustment on or after dissolution, nullity or separation)
- or under Schedule 1 para 1(2)(d) or (e) of the Children Act 1989 (orders for financial relief against parents)
- or relating to the legal or beneficial ownership of the dwelling-house.

If you have ticked box 3 above, the court will need any available evidence of:

- the housing needs and resources of you, the respondent and any relevant child
- the financial resources of you and the respondent
- the likely effect of any order, or of any decision not to make an order, on the health, safety and well-being of you, the respondent and any relevant child
- the conduct of you and the respondent in relation to each other and otherwise
- the nature of your and the respondent's relationship
- the length of time during which you have lived together as husband and wife or civil partners
- whether you and the respondent have had any children, or have both had parental responsibility for any children
- the length of time that has elapsed since you and the respondent ceased to live together
- the existence of any pending proceedings between you and the respondent under Schedule 1 para 1(2)(d) or (e) of the Children Act 1989 or relating to the legal or beneficial ownership of the dwelling-house.

Section 7

Under section 40 of the Act the court may make the following additional orders when making an occupation order:

- impose on either party obligations as to the repair and maintenance of the dwelling-house
- impose on either party obligations as to the payment of rent, mortgage or other outgoings affecting it
- order a party occupying the dwelling-house to make periodical payments to the other party in respect of the accommodation, if the other party would (but for the order) be entitled to occupy it

- grant either party possession or use of furniture or other contents
- order either party to take reasonable care of any furniture or other contents
- order either party to take reasonable steps to keep the dwelling-house and any furniture or other contents secure.

Section 8

If the dwelling-house is rented or subject to a mortgage, the landlord or mortgagee must be served with notice of the proceedings in Form FL416. He or she will then be able to make representations to the court regarding the rent or mortgage.

Section 10

A person living in the same household may, for example, be a member of the family or a tenant or employee of you or the respondent.

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rule 2.59(3)

<h1 style="margin: 0;">FINANCIAL STATEMENT</h1> <p style="margin: 0;">OF</p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div> <p style="margin: 0;">*Husband/*Wife/*Civil partner</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center; padding: 5px;"> In the *[High/County Court] *[Principal Registry of the Family Division] </td> </tr> <tr> <td style="width: 50%; padding: 5px;"> Case No. <i>Always quote this</i> </td> <td style="width: 50%;"></td> </tr> <tr> <td style="padding: 5px;"> Petitioner's Solicitor's reference </td> <td></td> </tr> <tr> <td style="padding: 5px;"> Respondent's Solicitor's reference </td> <td></td> </tr> </table>	In the *[High/County Court] *[Principal Registry of the Family Division]		Case No. <i>Always quote this</i>		Petitioner's Solicitor's reference		Respondent's Solicitor's reference	
In the *[High/County Court] *[Principal Registry of the Family Division]									
Case No. <i>Always quote this</i>									
Petitioner's Solicitor's reference									
Respondent's Solicitor's reference									

*(*delete as appropriate)*

Between

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Who is the *husband/*wife/*civil partner *Petitioner/*Respondent in the *divorce/*dissolution suit Applicant in this matter	Who is the *husband/*wife/*civil partner *Petitioner/*Respondent in the *divorce/*dissolution suit Respondent in this matter
--	---

Please fill in this form fully and accurately. Where any box is not applicable, write 'N/A'.
 You have a duty to the court to give a full, frank and clear disclosure of all your financial and other relevant circumstances.
 A failure to give full and accurate disclosure may result in any order the court makes being set aside.
 If you are found to have been deliberately untruthful, criminal proceedings for perjury may be taken against you.
 You must attach documents to the form where they are specifically sought and you may attach other documents where it is necessary to explain or clarify any of the information that you give.
 Essential documents that must accompany this statement are detailed in the form.
 If there is not enough room on the form for any particular piece of information, you may continue on an attached sheet of paper.

If you are in doubt about how to complete any part of this form you should seek legal advice.
 This Statement must be sworn before a solicitor, a commissioner for oaths or an Officer of the Court or, if abroad, a notary or duly authorised official, before it is filed with the Court or sent to the other party (see last page).

This statement is filed by

Name and address of solicitor

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1 General Information											
1.1 Full name											
Date			Month			Year			1.3 Date of the marriage/ civil partnership		
Date			Month			Year					
1.4 Occupation											
Date			Month			Year			Tick here if not applicable <input type="checkbox"/>		
1.5 Date of the separation											
Date			Month			Year					
1.6 Date of the											
Petition			Decree nisi/Decree of judicial separation Conditional order/ Separation order			Decree absolute/ Final order (if applicable)					
Date			Month			Year			Date		
Date			Month			Year			Date		
Date			Month			Year					
1.7 If you have subsequently married or formed a civil partnership, or will do so, state the date											
Date			Month			Year			1.8 Are you co-habiting?		
Date			Month			Year			Yes <input type="checkbox"/> No <input type="checkbox"/>		
1.9 Do you intend to co-habit within the next six months?											
Date			Month			Year			Yes <input type="checkbox"/> No <input type="checkbox"/>		
1.10 Details of any children of the family											
Full names			Date of birth			With whom does the child live?					
			Date	Month	Year				Date	Month	Year
1.11 Details of the state of health of yourself and the children if you think this should be taken into account											
Yourself					Children						

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1.12 Details of the present and proposed future educational arrangements for the children.

Present arrangements	Future arrangements

1.13 Details of any child support maintenance calculation or any maintenance order or agreement made in respect of any children of the family. If no calculation, order or agreement has been made, give an estimate of the liability of the non-resident parent in respect of the children of the family under the Child Support Act 1991.

--

1.14 If this application is to vary an order, attach a copy of the order and give details of the part that is to be varied and the changes sought. You may need to continue on a separate sheet.

--

1.15 Details of any other court cases between you and your spouse/civil partner, whether in relation to money, property, children or anything else.

Case No	Court

1.16 Your present residence and the occupants of it and on what terms you occupy it (e.g. tenant, owner-occupier).

Address	Occupants	Terms of occupation

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2 Financial Details *Part 1 Real Property and Personal Assets*

2.1 Complete this section in respect of the family home (the last family home occupied by you and your spouse/civil partner) if it remains unsold.

Documentation required for attachment to this section:

- a) A copy of any valuation of the property obtained within the last six months. If you cannot provide this document, please give your own realistic estimate of the current market value
- b) A recent mortgage statement confirming the sum outstanding on **each** mortgage

Property name and address

Land Registry title number

Mortgage company name(s) and address(es) and account number(s)

Type of mortgage

Details of who owns the property and the extent of your legal and beneficial interest in it (i.e. state if it is owned by you solely or jointly owned with your spouse/civil partner or with others)

If you consider that the legal ownership as recorded at the Land Registry does not reflect the true position, state why

Current market value of the property

Balance outstanding on any mortgage(s)

If a sale at this stage would result in penalties payable under the mortgage, state amount

Estimate the costs of sale of the property

Total equity in the property (i.e. market value less outstanding mortgage(s), penalties if any and the costs of sale)

TOTAL value of your interest in the family home:

Total A £

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

2.2 Details of your interest in any other property, land or buildings. Complete one page for each property you have an interest in.

Documentation required for attachment to this section:

- a) A copy of any valuation of the property obtained within the last six months. If you cannot provide this document, please give your own realistic estimate of the current market value
- b) A recent mortgage statement confirming the sum outstanding on **each** mortgage

Property name and address

Land Registry title number

Mortgage company name(s) and address(es) and account number(s)

Type of mortgage

Details of who owns the property and the extent of your legal and beneficial interest in it (i.e. state if it is owned by you solely or jointly owned with your spouse/civil partner or with others)

If you consider that the legal ownership as recorded at the Land Registry does not reflect the true position, state why

Current market value of the property

Balance outstanding on any mortgage(s)

If a sale at this stage would result in penalties payable under the mortgage, state amount

Estimate the costs of sale of the property

Total equity in the property (i.e. market value less outstanding mortgage(s), penalties if any and the costs of sale)

Total value of your interest in this property

TOTAL value of your interest in ALL other property:
Total B £

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2.3 Details of all personal bank, building society and National Savings Accounts that you hold or have held at any time in the last twelve months and which are or were either in your own name or in which you have or have had any interest. This applies whether any such account is in credit or in debit. For joint accounts give your interest and the name of the other account holder. If the account is overdrawn, show a minus figure.

Documentation required for attachment to this section:

For each account listed, all statements covering the last 12 months.

Name of bank or building society, including branch name	Type of account (e.g. current)	Account number	Name of other account holder (if applicable)	Balance at the date of this statement	Total current value of your interest
TOTAL value of your interest in ALL accounts: (C1)					£

2.4 Details of all investments, including shares, PEPs, ISAs, TESSAs, National Savings Investments (other than already shown above), bonds, stocks, unit trusts, investment trusts, gilts and other quoted securities that you hold or have an interest in. (Do not include dividend income as this will be dealt with separately later on.)

Documentation required for attachment to this section:

Latest statement or dividend counterfoil relating to each investment.

Name	Type of Investment	Size of Holding	Current value	Name of any other account holder (if applicable)	Total current value of your interest
TOTAL value of your interest in ALL holdings: (C2)					£

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2.5 Details of all life insurance policies including endowment policies that you hold or have an interest in. Include those that do not have a surrender value. Complete one page for each policy.

Documentation required for attachment to this section:
A surrender valuation of each policy that has a surrender value.

Name of company

Policy type

Policy number

If policy is assigned, state in whose favour and amount of charge

Name of any other owner and the extent of your interest in the policy

Maturity date (if applicable)

Current surrender value (if applicable)

If policy includes life insurance, the amount of the insurance and the name of the person whose life is insured

Total current surrender value of your interest in this policy

Name of company		
Policy type		
Policy number		
If policy is assigned, state in whose favour and amount of charge		
Name of any other owner and the extent of your interest in the policy		
Date	Month	Year
Current surrender value (if applicable)		
If policy includes life insurance, the amount of the insurance and the name of the person whose life is insured		
Total current surrender value of your interest in this policy		

TOTAL value of your interest in ALL policies: (C3) £

2.6 Details of all monies that are OWED TO YOU. Do not include sums owed in director's or partnership accounts which should be included at section 2.11.

Brief description of money owed and by whom	Balance outstanding	Total current value of your interest
TOTAL value of your interest in ALL debts owed to you: (C4)		£

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2.7 Details of all cash sums held in excess of £500. You must state where it is held and the currency it is held in.

Where held	Amount	Currency	Total current value of your interest
TOTAL value of your interest in ALL cash sums: (C5)			£

2.8 Details of personal belongings individually worth more than £500.

INCLUDE:

- Cars (gross value)
- Collections, pictures and jewellery
- Furniture and house contents.

Brief description of item	Total current value of your interest
TOTAL value of your interest in ALL personal belongings: (C6)	
£	
Add together all the figures in boxes C1 to C6 to give the TOTAL current value of your interest in personal assets: TOTAL C	
£	

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2 Financial Details Part 2 Capital: Liabilities and Capital Gains Tax

2.9 Details of any liabilities you have.

EXCLUDE liabilities already shown such as:

- Mortgages
- Any overdrawn bank, building society or National Savings accounts

INCLUDE:

- Money owed on credit cards and store cards
- Bank loans
- Hire purchase agreements

List all credit and store cards held including those with a nil or positive balance. Where the liability is not solely your own, give the name(s) of the other account holder(s) and the amount of your share of the liability.

Liability	Name(s) of other account holder(s) <i>(if applicable)</i>	Total liability	Total current value of your interest in the liability
TOTAL value of your interest in ALL liabilities: (D1)			£

2.10 If any Capital Gains Tax would be payable on the disposal now of any of your real property or personal assets, give your estimate of the tax liability.

Asset	Total Capital Gains Tax liability
TOTAL value of ALL your potential Capital Gains Tax liabilities: (D2)	
Add together D1 and D2 to give the TOTAL value of your liabilities: TOTAL D	
£	

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2 Financial Details Part 3 Capital: Business assets and directorships

2.11 Details of all your business interests. Complete one page for each business you have an interest in.

Documentation required for attachment to this section:

- a) Copies of the business accounts for the last two financial years
- b) Any documentation, if available at this stage, upon which you have based your estimate of the current value of your interest in this business, for example a letter from an accountant or a formal valuation. It is not essential to obtain a formal valuation at this stage

Name of the business

Briefly describe the nature of the business

Are you

(Please delete all those that are not applicable)

- a) Sole trader
- b) Partner in a partnership with others
- c) Shareholder in a limited company

If you are a partner or a shareholder, state the extent of your interest in the business (i.e. partnership share or the extent of your shareholding compared to the overall shares issued)

State when your next set of accounts will be available

If any of the figures in the last accounts are not an accurate reflection of the current position, state why.

For example, if there has been a material change since the last accounts, or if the valuations of the assets are not a true reflection of their value (e.g. because property or other assets have not been re-valued in recent years or because they are shown at a book value)

Total amount of any sums owed to you by the business by way of a director's loan account, partnership capital or current accounts or the like. Identify where these appear in the business accounts

Your estimate of the current value of your business interest. Explain briefly the basis upon which you have reached that figure

Your estimate of any Capital Gains Tax that would be payable if you were to dispose of your business now

Net value of your interest in this business after any Capital Gains Tax liability

TOTAL value of ALL your interests in business assets: TOTAL E £

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2.12 List any directorships you hold or have held in the last 12 months (other than those already disclosed in Section 2.11).

A large, empty rectangular box with a thin black border, intended for the user to list any directorships held or held in the last 12 months, excluding those already disclosed in Section 2.11.

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2 Financial Details Part 4 Capital: Pensions

2.13 Give details of all your pension rights. Complete a separate page for each pension.

EXCLUDE:

- Basic State Pension

INCLUDE (complete a separate page for each one):

- Additional State Pension (SERPS and State Second Pension (S2P))
- Free Standing Additional Voluntary Contribution Schemes (FSAVC) separate from the scheme of your employer
- Membership of ALL pension plans or schemes

Documentation required for attachment to this section:

- A recent statement showing the cash equivalent transfer value (CETV) provided by the trustees or managers of each pension arrangement (or, in the case of the additional state pension, a valuation of these rights).
- If any valuation is not available, give the estimated date when it will be available and attach a copy of your letter to the pension company or administrators from whom the information was sought and/or state the date on which an application for a valuation of a State Earnings Related Pension Scheme was submitted to the Department for Work and Pensions.

Name and address of pension arrangement

Your National Insurance Number

Number of pension arrangement or reference number

Type of scheme
e.g. occupational or personal, final salary, money purchase, additional state pension or other (if other, please give details)

Date the CETV was calculated

Is the pension in payment or drawdown or deferment? (Please answer Yes or No)

State the cash equivalent transfer value (CETV) quotation, or in the additional state pension, the valuation of those rights

If the arrangement is an occupational pension arrangement that is paying reduced CETVs, please quote what the CETV would have been if not reduced. If this is not possible, please indicate if the CETV quoted is a reduced CETV

TOTAL value of ALL your pension assets: TOTAL F £

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2 Financial Details Part 5 Capital: Other assets

2.14 Give details of any other assets not listed in Parts 1 to 4 above.

INCLUDE (the following list is not exhaustive):

- Any personal or business assets not yet disclosed
- Unrealisable assets
- Share option schemes, stating the estimated net sale proceeds of the shares if the options were capable of exercise now, and whether Capital Gains Tax or income tax would be payable
- Business expansion schemes
- Futures
- Commodities
- Trust interests (including interests under a discretionary trust), stating your estimate of the value of the interest and when it is likely to become realisable. If you say it will never be realisable, or has no value, give your reasons
- Any asset that is likely to be received in the foreseeable future
- Any asset held on your behalf by a third party
- Any asset not disclosed elsewhere on this form even if held outside England and Wales

You are reminded of your obligation to disclose all your financial assets and interests of ANY nature.

Type of asset	Value	Total NET value of your interest
TOTAL value of ALL your other assets: TOTAL G		£

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2 Financial Details Part 6 Income: Earned income from employment

2.15 Details of earned income from employment. Complete one page for each employment.

Documentation required for attachment to this section:

- a) P60 for the last financial year (you should have received this from your employer shortly after the last 5th April)
- b) Your last three payslips
- c) Your last Form P11D if you have been issued with one

Name and address of your employer

Job title and brief details of the type of work you do

Hours worked per week in this employment

How long have you been with this employer?

Explain the basis of your income
i.e. state whether it is based on an annual salary or an hourly rate of pay and whether it includes commissions or bonuses

Gross income for the last financial year as shown on your P60

Net income for the last financial year
i.e. gross income less income tax and national insurance

Average net income for the last three months
i.e. total income less income tax and national insurance divided by three

Briefly explain any other entries on the attached payslips other than basic income, income tax and national insurance

If the payslips attached for the last three months are not an accurate reflection of your normal income briefly explain why

Details and value of any bonuses or other occasional payments that you receive from this employment not otherwise already shown, including the basis upon which they are paid

Details and value of any benefits in kind, perks or other remuneration received from this employer in the last year
(e.g. provision of a car, payment of travel, accommodation, meal expenses, etc.)

Your estimate of your net income from this employment for the next 12 months. If this differs significantly from your current income explain why in box 4.1.2

Estimated TOTAL of ALL net earned income from employment for the next 12 months: TOTAL H £

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

2 Financial Details Part 7 Income: Income from self-employment or partnership

2.16 You will have already given details of your business and provided the last two years accounts at section 2.11. Complete this section giving details of your income from your business. Complete one page for each business.

Documentation required for attachment to this section:

- a) A copy of your last tax assessment or, if that is not available, a letter from your accountant confirming your tax liability
- b) If net income from the last financial year and estimated net income for the next 12 months is significantly different, a copy of management accounts for the period since your last account

Name of the business

--

Date to which your last accounts were completed

--

Your share of gross business profit from the last completed accounts

--

Income tax and national insurance payable on your share of gross business profit above

--

Net income for that year (using the two figures directly above, gross business profit less income tax and national insurance payable)

--

Details and value of any benefits in kind, perks or other remuneration received from this business in the last year
e.g. provision of a car, payment of travel, accommodation, meal expenses, etc.

--

Amount of any regular monthly or other drawings that you take from this business

--

If the estimated figure directly below is different from the net income as at the end date of the last completed accounts, briefly explain the reason(s)

--

Your estimate of your net annual income for the next 12 months

--

Estimated TOTAL of ALL net income from self-employment or partnership for the next 12 months: TOTAL I £

--

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

2 Financial Details Part 8 Income: Income from investments
e.g. dividends, interest or rental income

2.17 Details of income received in the last financial year (the year ended last 5th April), and your estimate of your income for the current financial year. Indicate whether the income was paid gross or net of income tax. You are not required to calculate any tax payable that may arise.

Nature of income and the asset from which it derived	Paid gross or net	Income received in the last financial year	Estimated income for the next 12 months
Estimated TOTAL investment income for the next 12 months: TOTAL J			£

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

2 Financial Details Part 9 Income: Income from state benefits (including state pension and child benefit)

2.18 Details of all state benefits that you are currently receiving.

Name of benefit	Amount paid	Frequency of payment	Estimated income for the next 12 months
Estimated TOTAL benefit income for the next 12 months: TOTAL K			£

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

2 Financial Details *Part 10 Income: Any other income*

2.19 Details of any other income not disclosed above.

INCLUDE:

- Any source from which income has been received during the last 12 months (even if it has now ceased)
- Any source from which income is likely to be received during the next 12 months

You are reminded of your obligation to give full disclosure of your financial circumstances.

Nature of income	Paid gross or net	Income received in the last financial year	Estimated income for the next 12 months
			Estimated TOTAL other income for the next 12 months: TOTAL L £

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

2 Financial Details *Summaries*

2.20 Summary of your capital (Parts 1 to 5)

Description	Reference of the section on this statement	Value
Current value of your interest in the family home	A	
Current value of your interest in all other property	B	
Current value of your interest in personal assets	C	
Current value of your liabilities	D	
Current value of your interest in business assets	E	
Current value of your pension assets	F	
Current value of all your other assets	G	
TOTAL value of your assets (Totals A to G less D):		£

2.21 Summary of your estimated income for the next 12 months (Parts 6 to 10)

Description	Reference of the section on this statement	Value
Estimated net total of income from employment	H	
Estimated net total of income from self-employment or partnership	I	
Estimated net total of investment income	J	
Estimated state benefit receipts	K	
Estimated net total of all other income	L	
Estimated TOTAL income for the next 12 months (Totals H to L):		£

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

3 Financial Requirements *Part 1 Income needs*

3.1 Income needs for yourself and for any children living with you or provided for by you. ALL figures should be annual, monthly or weekly (state which). You *must not* use a combination of these periods. State your current income needs and, if these are likely to change in the near future, explain the anticipated change and give an estimate of the future cost.

The income needs below are: <i>(delete those not applicable)</i>	Weekly	Monthly	Annual
I anticipate my income needs are going to change because			

3.1.1 Income needs for yourself.

INCLUDE:

- All income needs for yourself
- Income needs for any children living with you or provided for by you only if these form part of your total income needs (e.g. housing, fuel, car expenses, holidays, etc).

Item	Current cost	Estimated future cost
SUB-TOTAL your income needs:		£

3.1.2 Income needs for children living with you or provided for by you.

INCLUDE:

- Only those income needs that are different to those of your household shown above.

Item	Current cost	Estimated future cost
SUB-TOTAL children's income needs:		£
TOTAL of ALL income needs:		£

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

3 Financial Requirements *Part 2 Capital needs*

3.2 Set out below the reasonable future capital needs for yourself and for any children living with you or provided for by you.

3.2.1 Capital needs for yourself

INCLUDE:

- All capital needs for yourself
- Capital needs for any children living with you or provided for by you only if these form part of your total capital needs (e.g. housing, car, etc.)

Item	Cost
SUB-TOTAL your capital needs:	£

3.2.2 Capital needs for children living with you or provided for by you.

INCLUDE:

- Only those capital needs that are different to those of your household shown above.

Item	Cost
SUB-TOTAL your children's capital needs:	£
TOTAL of ALL capital needs:	£

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

4 Other Information

4.1 Details of any significant changes in your assets or income.

At both sections 4.1.1 and 4.1.2, INCLUDE:

- ALL assets held both within and outside England and Wales
- The disposal of any asset.

4.1.1 Significant changes in assets or income during the LAST 12 months.

4.1.2 Significant changes in assets or income likely to occur during the NEXT 12 months.

4.2 Brief details of the standard of living enjoyed by you and your spouse/civil partner during the marriage/civil partnership.

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

4.3 Are there any particular contributions to the family property and assets or outgoings, or to family life, or the welfare of the family that have been made by you, your partner or anyone else that you think should be taken into account? If there are any such items, briefly describe the contribution and state the amount, when it was made and by whom.

INCLUDE:

- Contributions already made
- Contributions that will be made in the foreseeable future.

4.4 Bad behaviour or conduct by the other party will only be taken into account in very exceptional circumstances when deciding how assets should be shared after divorce/dissolution. If you feel it should be taken into account in your case, identify the nature of the behaviour or conduct below.

4.5 Give details of any other circumstances that you consider could significantly affect the extent of the financial provision to be made by or for you or any child of the family.

INCLUDE (the following list is not exhaustive):

- Earning capacity
- Disability
- Inheritance prospects
- Redundancy
- Retirement
- Any plans to marry, form a civil partnership or cohabit
- Any contingent liabilities.

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

4.6 If you have subsequently married or formed a civil partnership (or intend to) or are living with another person (or intend to), give brief details, so far as they are known to you, of his or her income, assets and liabilities.

Annual Income		Assets and Liabilities	
Nature of income	Value (if known, state whether gross or net)	Item	Value (if known)
Total income:	£	Total assets/liabilities:	£

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

5 Order Sought

5.1 If you are able at this stage, specify what kind of orders you are asking the court to make.

Even if you cannot be specific at this stage, if you are able to do so, indicate:

- a) If the family home is still owned, whether you are asking for it to be transferred to yourself or your spouse/civil partner or whether you are saying it should be sold
- b) Whether you consider this is a case for continuing spousal maintenance/maintenance for your civil partner or whether you see the case as being appropriate for a "clean break". (*A 'clean break' means a settlement or order which provides amongst other things, that neither you nor your spouse/civil partner will have any further claim against the income or capital of the other party. A 'clean break' does not terminate the responsibility of a parent to a child.*)
- c) Whether you are seeking a pension sharing or pension attachment order
- d) If you are seeking a transfer or settlement of any property or assets, identify the property or assets in question.

5.2 If you are seeking a variation of an ante-nuptial or post-nuptial settlement or a relevant settlement made during, or in anticipation of, a civil partnership, identify the settlement, by whom it was made, its trustees and beneficiaries and state why you allege it is a settlement which the court can vary.

5.3 If you are seeking an avoidance of disposition order, or if you have already applied for such an order, identify the property to which the disposition relates and the person or body in whose favour the disposition is alleged to have been made.

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Sworn confirmation of the information

I

(the above-named Applicant Respondent)

of

MAKE OATH and confirm that the information given above is a full, frank, clear and accurate disclosure of my financial and other relevant circumstances.

Sworn by the above named

at

this

day of

20

)
)
)
)
)

.....

Before me,

A solicitor, commissioner for oaths,
an Officer of the Court appointed by the
Judge to take affidavits, a notary or duly
authorised official.

Address all communications to the Court Manager of the Court and quote the case number.
If you do not quote this number, your correspondence may be returned.

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SCHEDULE OF DOCUMENTS TO ACCOMPANY FORM E

The following list shows the documents you must attach to your Form E if applicable. You may attach other documents where it is necessary to explain or clarify any of the information that you give in the Form E.

Form E paragraph	Document	Please tick		
		Attached	Not applicable	To follow
1.14	Application to vary an order: if applicable, attach a copy of the relevant order.			
2.1	Matrimonial home valuation: a copy of any valuation relating to the matrimonial home that has been obtained in the last six months.			
2.1	Matrimonial home mortgage(s): a recent mortgage statement in respect of each mortgage on the matrimonial home confirming the amount outstanding.			
2.2	Any other property: a copy of any valuation relating to each other property disclosed that has been obtained in the last six months.			
2.2	Any other property: a recent mortgage statement in respect of each mortgage on each other property disclosed confirming the amount outstanding.			
2.3	Personal bank, building society and National Savings accounts: copies of statements for the last 12 months for each account that has been held in the last twelve months, either in your own name or in which you have or have had any interest.			
2.4	Other investments: the latest statement or dividend counterfoil relating to each investment as disclosed in paragraph 2.4.			
2.5	Life insurance (including endowment) policies: a surrender valuation for each policy that has a surrender value as disclosed under paragraph 2.5.			
2.11	Business interests: a copy of the business accounts for the last two financial years for each business interest disclosed.			
2.11	Business interests: any documentation that is available to confirm the estimate of the current value of the business, for example, a letter from an accountant or formal valuation if that has been obtained.			
2.13	Pension rights: a recent statement showing the cash equivalent transfer value (CETV) provided by the trustees or managers of each pension arrangement that you have disclosed (or, in the case of the additional state pension, a valuation of these rights). If not yet available, attach a copy of the letter sent to the pension company or administrators requesting the information.			
2.15	Employment income: your P60 for the last financial year in respect of each employment that you have.			
2.15	Employment income: your last three payslips in respect of each employment that you have.			
2.15	Employment income: your last form P11D if you have been issued with one.			
2.16	Self-employment or partnership income: a copy of your last tax assessment or if that is not available, a letter from your accountant confirming your tax liability.			
2.16	Self-employment or partnership income: if net income from the last financial year and the estimated income for the next twelve months is significantly different, a copy of the management accounts for the period since your last accounts.			
State relevant Form E paragraph	Description of other documents attached:			

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

Case no.

*Delete as appropriate

In the

*[High/County Court]

*[Principal Registry of the Family Division]

In the marriage/Civil Partnership between

who is the husband/wife/civil partner

and

who is the husband/wife/civil partner

Financial Statement on behalf of

who is the husband/wife/civil partner
and the Petitioner/Respondent in the
divorce/dissolution suit

This statement is filed by

who are solicitors for the husband/wife/civil partner

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

rule 2.61D(2)(f)

Pension Inquiry Form
Information needed when a Pension Sharing Order or Pension Attachment Order may be made

(Insert details of pension scheme here)
To:
of:
Reference Number:

A. To be completed by Pension Scheme member or policy holder:

-
- Name of pension scheme member or policy holder:
Address:

Reference:

 - Solicitors details:
Address:

Reference:
Tel:

 - Address to which the form should be sent once completed if different from 2 above:

Signature
of Pension Scheme member or policy holder

(The scheme member's signature is necessary to authorise the release of the requested information, unless a court order requiring the information is attached to this form.)

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

B. To be completed by the pension arrangement.

This section deals with information required to be provided under the Pensions on Divorce etc (Provision of Information) Regulations 2000 S.I.1048/2000, Regulations 2 and 3 and Rule 2.70(2) of the Family Proceedings Rules 1991 (as amended). If a request for a Cash Equivalent Transfer Value has been made, the pension arrangement has 3 months to provide the information or 6 weeks if notified that the information is needed in connection with matrimonial or civil partnership proceedings, or such shorter time as notified by the court. Otherwise, the information should be provided within one month or such shorter time as notified by the court. The valuation referred to in paragraph 1(a) below must have been made not more than 12 months before the date fixed for the first appointment.

If this information has already been prepared in a standard form please send this instead.

1. (a) Please confirm that you have already provided a valuation of the member's pension rights to the scheme member or to the Court. Yes No

(b) If the answer to (a) is No, details of the CETV quotation should be attached and the date on which it was calculated.

2. Provide a statement summarising the way in which the valuation referred to above has been or will be calculated.

3. State the pension benefits included in the valuation referred to in B1 above.

4. (a) Does the person responsible for the pension arrangement offer scheme membership to the person entitled to a pension credit? Yes No

(b) If Yes, does this depend on Employer and/or trustee approval? Yes No

5. If the answer to 4(a) is Yes, what benefits are available to the person with the pension credit?

6. **Charging Policy**
- Does the arrangement charge for providing information or implementing a pension sharing order? Yes No

If Yes, please:

- provide a list of charges
- indicate when these must be paid, and
- whether they can be paid directly from benefits held in the scheme or policy, or the pension credit.

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

C. To be completed by the pension arrangement.

This information is required to be provided by the pension arrangement under the Pension on Divorce (Provision of Information) Regulations 2000 S.I. 1048, Regulation 4 within 21 days of being notified that a pension sharing order may be made. If such notification has not already been given, please treat this document as notification that such an order may be made. Alternatively the Court may specify a date by which this information should be provided.

If this information has already been prepared in a standard form please send this instead.

1. The full name of the pension arrangement and address to which a pension sharing order should be sent.

2. In the case of an occupational pension scheme only, is the scheme winding up? Yes No

If Yes:

- when did the winding up commence, and
- give the name and address of the trustees who are dealing with the winding up.

3. In the case of an occupational pension scheme only, assuming that a calculation of the member's CETV was carried out on the day the pension scheme received notification that a pension sharing order may be made, would that CETV be reduced? Yes No

4. As far as you are aware, are the member's rights under the pension scheme subject to any of the following:

- a pension sharing order Yes No
- a pension attachment order made under section 23 of the Matrimonial Causes Act 1973 (England and Wales), section 12A(2) or (3) of the Family Law (Scotland) Act 1985 or under Article 25 of the Matrimonial Causes (Northern Ireland) Order 1978 Yes No
- a pension attachment order made under Part 1 of Schedule 5 to the Civil Partnership Act 2004 (England and Wales), section 12A(2) or (3) of the Family Law (Scotland) Act 1985 or under Part 1 of Schedule 15 to the Civil Partnership Act 2004 (Northern Ireland) Yes No
- a forfeiture order Yes No
- a bankruptcy order Yes No
- an award of sequestration on a member's estate or the making of the appointment on his estate of a judicial factor under section 41 of the Solicitors (Scotland) Act 1980. Yes No

5. Do the member's rights include rights which are not shareable by virtue of regulation 2 of the Pension Sharing (Valuation) Regulations 2000? Yes No

If Yes, please provide details.

6. Does the pension arrangement propose to levy additional charges specified in Regulation 6 of the Pensions on Divorce (Charging) Regulations 2000? Yes No

If Yes, please provide the scale of the additional charges likely to made.

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7. Is the scheme member a trustee of the pension scheme? Yes No
-
8. If a pension sharing order is made, will the person responsible for the pension arrangement require information regarding the scheme member's state of health before implementing the pension sharing order? Yes No
-
9. Does the person responsible for the pension sharing arrangement require any further information other than that contained in regulation 5 of the Pensions on Divorce etc. (Provision of Information Regulations) 2000, before implementing any Pension Sharing Order? Yes No
If Yes, specify what.

D. To be completed by the pension arrangement.

The following information should be provided if the scheme member requests it or the Court orders it pursuant to its powers under the Pensions on Divorce etc (Provision of Information) Regulations 2000, S.I. 1048/2000. Please note that pension arrangements may make an additional charge for providing this information.

1. Disregarding any future service or premiums that might be paid and future inflation, what is the largest lump sum payment that the member would be entitled to take if s/he were to retire at a normal retirement age?
-
2. What is the earliest date on which the member has the right to take benefits, excluding retirement on grounds of ill health?
-
3. Are spouse's or civil partner's benefits payable? Yes No
-
4. What lump sum would be payable on death at the date of completion of this form?
-
5. What proportion of the member's pension would be payable as of right to the spouse or civil partner of the member if the member were to die
(a) before retirement, and
(b) after retirement, disregarding any future service or premiums that might be paid and future inflation?
-
6. Is the pension in payment, drawdown or deferment? Yes No
If Yes, which?
-
7. Please provide a copy of the scheme booklet.
-

Date:

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rule 2.70(13)

**Pension Sharing Annex under
[section 24B of the Matrimonial
Causes Act 1973] [paragraph
15 of Schedule 5 to the Civil
Partnership Act 2004]**

In the	
*[County Court]	
*[Principal Registry of the Family Division]	
Case No. <i>Always quote this</i>	
Transferor's Solicitor's reference	
Transferee's Solicitor's reference	

**Between
and**

**(Petitioner)
(Respondent)**

Take Notice that:

On _____ the court

- made a pension sharing order under Part IV of the Welfare Reform and Pensions Act 1999.
- [varied] [discharged] an order which included provision for pension sharing under Part IV of the Welfare Reform and Pensions Act 1999 and dated _____.

This annex to the order provides the person responsible for the pension arrangement with the information required by virtue of rules of court:

A. Transferor's Details

- (i) The full name by which the Transferor is known:
- (ii) All names by which the Transferor has been known:
- (iii) The Transferor's date of birth:
- (iv) The Transferor's address:
- (v) The Transferor's National Insurance Number:

B. Transferee's Details

- (i) The full name by which the Transferee is known:
- (ii) All names by which the Transferee has been known:
- (iii) The Transferee's date of birth:
- (iv) The Transferee's address:
- (v) The Transferee's National Insurance Number:
- (vi) If the Transferee is also a member of the pension scheme from which the credit is derived, or a beneficiary of the same scheme because of survivor's benefits, the membership number:

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C. Details of the Transferor's Pension Arrangement

- (i) Name of the arrangement:
- (ii) Name and address of the person responsible for the pension arrangement:
- (iii) Policy Reference Number:
- (iv) If appropriate, such other details to enable the pension arrangement to be identified:
- (v) The specified percentage of the member's CETV to be transferred: _____ . _____ %

D. Pension Sharing Charges

It is directed that:

* The pension sharing charges be apportioned between the parties as follows:

or

* The pension sharing charges be paid in full by the Transferor.

(*Delete as appropriate)

E.

Have you filed Form M1 (Statement of Information for a Consent Order)?

Yes No

If 'Yes' delete the text opposite.

The parties certify that:

- (i) they have received the information required by Regulation 4 of the Pensions on Divorce etc (Provisions of Information) Regulations 2000;
- (ii) that information is attached on Form P (Pension Inquiry Form); and
- (iii) it appears from that information that there is power to make an order including provision under [section 24B of the Matrimonial Causes Act 1973] [paragraph 15 of Schedule 5 to the Civil Partnership Act 2004].

F.

In cases where the Transferee has a choice of an internal or external transfer, if the Transferee has indicated a preference, indicate what this is.

Internal Transfer External Transfer

G. In the case of external transfer only (recommended but optional information)

- (i) The name of the qualifying arrangement which has agreed to accept the pension credit:
- (ii) The address of the qualifying arrangement:
- (iii) If known, the Transferee's membership or policy number in the qualifying arrangement and reference number of the new provider:

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

G. Continued

- (iv) The name, or title, business address, phone and fax numbers and email address of the person who may be contacted in respect of the discharge of liability for the pension credit on behalf of the Transferee:
(This may be an Independent Financial Advisor, for example, if one is advising the Transferee or the new pension scheme itself.)
- (v) Please attach a copy of the letter from the qualifying arrangement indicating its willingness to accept the pension credit.

Please complete boxes H to J where applicable

H.

Where the credit is derived from an occupational scheme which is being wound up, has the Transferee indicated whether he wishes to transfer his pension credit rights to a qualifying arrangement?

Yes

No

I.

Where the pension arrangement has requested details of the Transferor's health, has that information been provided?

Yes

No

J.

Where the pension arrangement has requested further information, has that information been provided?

Yes

No

Note: Until the information requested in A, B, (and as far as applicable G, H, I and J) is provided the pension sharing order cannot be implemented although it may be made. Even if all the information requested has been provided, further information may be required before implementation can begin. If so, reasons why implementation cannot begin should be sent by the pension arrangement to the Transferor and Transferee within 21 days of receipt of the pension sharing order and this annex.

THIS ORDER TAKES EFFECT FROM the date on which the Decree Absolute of Divorce or Nullity of marriage is granted, or the Final Order of Dissolution or Nullity of civil partnership is made, or if later, either

- a. 21 days from the date of this order, unless an Appeal has been lodged, in which case
- b. the effective date of the order determining that appeal.

To the person responsible for the pension arrangement:

(*Delete as appropriate)

- *1. Take notice that you must discharge your liability within the period of 4 months beginning with the later of:
 - the day on which this order takes effect; or
 - the first day on which you are in receipt of –
 - a. the pension sharing order including this annex (and where appropriate any attachments);
 - b. in a matrimonial cause, a copy of the decree of divorce or nullity of marriage and a copy of the certificate that the decree has been made absolute;
 - c. in a civil partnership cause, a copy of the final order of dissolution or order of nullity of civil partnership and a copy of the certificate that the order has been made final;
 - d. the information specified in paragraphs A, B and C of this annex and, where applicable, paragraphs G to J of this annex; and
 - e. payment of all outstanding charges requested by the pension scheme.
- *2. The court directs that the implementation period for discharging your liability should be determined by regulations made under section 34(4) or 41(2)(a) of the Welfare Reform and Pensions Act 1999, in that:

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

rule 2.70(13)

**Pension Attachment Annex
under [section 25B or 25C of the
Matrimonial Causes Act 1973]
[paragraph 25 or 26 of Schedule 5
to the Civil Partnership Act 2004]**

In the *[County Court] *[Principal Registry of the Family Division]	
Case No. <i>Always quote this</i>	
Applicant's Solicitor's reference	
Respondent's Solicitor's reference	

**Between
and**

**(Petitioner)
(Respondent)**

Take Notice that:

On _____ the court

- made an order including provision under [section [25B][25C]* of the Matrimonial Causes Act 1973]* [paragraph [25][26]* or Schedule 5 to the Civil Partnership Act 2004]*.
- [varied] [discharged] an order which included provision under [section [25B][25C]* of the Matrimonial Causes Act 1973] [paragraph [25][26] of Schedule 5 to the Civil Partnership Act 2004]* and dated _____.

(*Delete as appropriate)

This annex to the order provides the person responsible for the pension arrangement with the information required by virtue of rules of court:

- Name of the party with the pension rights: _____
- Name of the other party: _____
- The National Insurance Number of the party with pension rights: _____
- Details of the Pension Arrangement:-
 - Name and address of the person responsible for the pension arrangement: _____
 - Policy Reference Number: _____
 - if appropriate, such other details to enable the pension arrangement to be identified:* _____
- (i) To be completed where a Periodical Payments Order is made under s.25B of the Matrimonial Causes Act 1973.**

The specified percentage of any payment due to the party with the pension rights that is to be paid for the benefit of the other party: _____ . _____ %

(ii) To be completed where the court orders that the party with pension rights commutes a percentage of his pension to a tax free lump sum on retirement under s.25B of the Matrimonial Causes Act 1973.

 - the specified percentage of the maximum lump sum available that is to be commuted: _____ . _____ %
 - the specified percentage of the commuted sum which is to be paid to the spouse or the former spouse of the party with pension rights: _____ . _____ %

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

(iii) To be completed where the court orders, under s.25C of the Matrimonial Causes Act 1973, that all or part of a lump sum payable to the party with pension rights in respect of his death be paid to the other party.

- (a) the percentage of the lump sum to be paid by the person responsible for the pension arrangement to the other party: _____ . _____ %
- (b) the percentage of the lump sum payable (in accordance with a nomination by the party with pension rights) to the other party: _____ . _____ %
- (c) the percentage of the lump sum to be paid by the person responsible for the pension arrangement for the benefit of the other party: _____ . _____ %

5B. (i) To be completed where a Periodical Payments Order is made under paragraph 25 of Schedule 5 to the Civil Partnership Act 2004.

The specified percentage of any payment due to the civil partner with the pension rights that is to be paid for the benefit of the other civil partner: _____ . _____ %

(ii) To be completed where the court orders that the civil partner with pension rights commutes a percentage of his pension to a tax free lump sum on retirement under paragraph 25 of Schedule 5 to the Civil Partnership Act 2004.

- (a) the specified percentage of the maximum lump sum available that is to be commuted: _____ . _____ %
- (b) the specified percentage of the commuted sum which is to be paid to the civil partner or the former civil partner of the civil partner with pension rights: _____ . _____ %

(iii) To be completed where the court orders, under paragraph 26 of Schedule 5 to the Civil Partnership Act 2004, that all or part of a lump sum payable to the civil partner with pension rights in respect of his death be paid to the other civil partner.

- (a) the percentage of the lump sum to be paid by the person responsible for the pension arrangement to the other civil partner: _____ . _____ %
- (b) the percentage of the lump sum payable (in accordance with a nomination by the civil partner with pension rights) to the other civil partner: _____ . _____ %
- (c) the percentage of the lump sum to be paid by the person responsible for the pension arrangement for the benefit of the other civil partner: _____ . _____ %

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To the person responsible for the pension arrangement:

(* Delete if this information has already been provided to the person responsible for the pension arrangement)

1. *You are required to serve any notice under the Divorce etc. (Pensions) Regulations 2000 or the Dissolution etc. (Pensions) Regulations 2005 on the other party at the following address:

2. *You are required to make any payments due under the pension arrangement to the other party at the following address:

3. *If the address at 2. above is that of a bank, building society or the Department of National Savings the following details will enable you to make payment into the account of the other party (e.g. Account Name, Number, Bank/Building Society/etc. Sort code):

Note: Where the order to which this annex applies was made by consent the following section should also be completed.

The court also confirms:

(*Delete as appropriate)

- *That notice has been served on the person responsible for the pension arrangement and that no objection has been received.
- *That notice has been served on the person responsible for the pension arrangement and that the court has considered any objection received.

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SCHEDULE 2

“Appendix 4

Appendix 4

rules 3.1(10), 3.5(1), 3.6(10), 3.8(13), 3.18(3) and (6), 3.19(5)

1. In this Appendix a reference to a paragraph by number alone is a reference to a paragraph of this Appendix.

Representation of children on applications under Act of 1984 and under Schedule 7 to the Act 2004

2.—(1) Sub-paragraph (2) applies where, on an application for financial relief under Part III of the Act of 1984 or under Schedule 7 to the Act of 2004, an application is made for an order for a variation of settlement.

(2) The court must, unless it is satisfied that the proposed variation does not adversely affect the rights or interests of any children concerned, direct that the children be separately represented on the application, either by a solicitor or by a solicitor and counsel, and may appoint the Official Solicitor or other fit person to be guardian ad litem of the children for the purpose of the application.

(3) On any other application for financial relief under Part III of the Act of 1984 or under Schedule 7 to the Act of 2004 the court may give such a direction or make such appointment as it is empowered to give or make by sub-paragraph (2).

(4) Before a person other than the Official Solicitor is appointed guardian ad litem under this rule the solicitor acting for the children must file a certificate that the person proposed as guardian has no interest in the matter adverse to that of the children and that he is a proper person to be such guardian.

Evidence on application for financial relief or avoidance of transaction order under Act of 1984 or under Schedule 7 to Act of 2004

3.—(1) Where an application is made for financial relief or an avoidance of transaction order under Part III of the Act of 1984 or under Schedule 7 to the Act of 2004, the affidavit in support must contain, so far as known to the applicant, full particulars—

- (a) in the case of an application for a transfer or settlement of property—
 - (i) of the property in respect of which the application is made, and
 - (ii) of the property to which the party against whom the application is made is entitled either in possession or reversion;
- (b) in the case of an application for an order for a variation of settlement—
 - (i) of all relevant settlements, made on the spouses or civil partners, as the case may be, and
 - (ii) of the funds brought into settlement by each spouse or civil partner;
- (c) in the case of an application for an avoidance of transaction order—
 - (i) of the property to which the disposition relates, and
 - (ii) of the person in whose favour the disposition is alleged to have been made, and in the case of a disposition alleged to have been made by way of settlement, of the trustees and the beneficiaries of the settlement.

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- (2) Where an application for a property adjustment order or an avoidance of transaction order relates to land, the affidavit in support must identify the land and—
 - (a) state whether the title to the land is registered or unregistered and, if registered, the Land Registry title number; and
 - (b) give particulars, so far as known to the applicant, of any mortgage of the land or other interest in it.
- (3) A copy of Form M26 or M27 as the case may be, together with a copy of the supporting affidavit, must, as well as being served on the respondent, be served—
 - (a) in the case of an application for an order for a variation of settlement, on the trustees of the settlement and the settlor if living;
 - (b) in the case of an application for an avoidance of transaction order, on the person in whose favour the disposition is alleged to have been made; and
 - (c) in the case of an application to which sub-paragraph (2) refers, on any mortgagee of whom particulars are given pursuant to that paragraph, and on such other persons, if any, as the district judge may direct.
- (4) Any person who is served with an application pursuant to sub-paragraph (3) may within 14 days after service file an affidavit in answer.
- (5) In this rule a relevant settlement—
 - (a) in relation to a marriage, is an ante-nuptial or post-nuptial settlement; and
 - (b) in relation to a civil partnership, is a settlement made during its subsistence or in anticipation of its formation, on the civil partners including one made by will or codicil, but not including one in the form of a pension arrangement (within the meaning of Part 4 of Schedule 5 to the Act of 2004).

Service of affidavit on application for alteration of maintenance agreement

- 4.—(1) This paragraph applies to an affidavit filed in support of an application under section 35 or 36 of the Act of 1973 or paragraphs 69 or 73 of Schedule 5 to the Act of 2004.
- (2) This paragraph, apart from sub-paragraph (3), also applies to an affidavit filed in support of an application under section 27 of the Act of 1973 or Part 9 of Schedule 5 to the Act of 2004 which contains an allegation of adultery or of an improper association with a person named.
- (3) Where a person files an affidavit to which this sub-paragraph applies he must at the same time serve a copy on the opposite party.
- (4) Where an affidavit to which this paragraph applies contains an allegation of adultery or of an improper association with a named person (“the named person”) the court may direct that the party who filed the affidavit serve a copy of all or part of it on the named person together with Form F (the references to ancillary relief in that form being substituted by references to the provision under which the application is made).
- (5) Where the court makes a direction under sub-paragraph (4) the named person may file an affidavit in answer to the allegations.
- (6) The named person may intervene in the proceedings by applying for directions under paragraph 7(4) within seven days of service of the affidavit on him.
- (7) Rule 2.37(3) applies to a person served with an affidavit under sub-paragraph (4) as it applies to a co-respondent.

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Information on application for consent orders on application for failure to provide reasonable maintenance or for financial provision under Act of 1984 or Schedule 7 to Act of 2004

5.—(1) This paragraph applies to an application for a consent order—

- (a) under section 27 of the Act of 1973 or Part 9 of Schedule 5 to the Act of 2004; and
- (b) under Part III of the Act of 1984 or Schedule 7 to the Act of 2004.

(2) Subject to sub-paragraphs (3) and (4), there must be lodged with every application to which this paragraph applies two copies of a draft of the order in the terms sought, one of which must be indorsed with a statement signed by the respondent to the application signifying his agreement, and a statement of information (which may be made in more than one document) which must include—

- (a) the duration of the marriage or civil partnership, as the case may be, the age of each party and of any minor or dependent child of the family;
- (b) an estimate in summary form of the approximate amount or value of the capital resources and net income of each party and of any minor child of the family;
- (c) what arrangements are intended for the accommodation of each of the parties and any minor child of the family;
- (d) whether either party has subsequently married or formed a civil partnership or has any present intention to do so or to cohabit with another person;
- (e) where the order includes provision to be made—
 - (i) under section 17(1)(a) of the Act of 1984 of a kind which could be made by an order under section 25B or 25C of the Act of 1973;
 - (ii) under section 17(1)(b) of the Act of 1984; or
 - (iii) under paragraph 9(2) of Schedule 7 to the Act of 2004 of a kind which could be made by an order under paragraphs 15, 25 or 26 of Schedule 5 to that Act, a statement confirming that the person responsible for the pension arrangement in question has been served with the documents required by rule 2.70(11) and that no objection to such an order has been made by that person within 21 days from such service;
- (f) where the terms of the order provide for a transfer of property, a statement confirming that any mortgagee of that property has been served with notice of the application and that no objection to such a transfer has been made by the mortgagee within 14 days from such service; and
- (g) any other especially significant matters.

(3) Where an application is made—

- (a) for a consent order for interim periodical payments pending the determination of the application; or
- (b) for an order varying an order for periodical payments,

the statement of information required by sub-paragraph (2) need include only the information in respect of net income mentioned in sub-paragraph (2)(b).

(4) Where all or any of the parties attend the hearing of an application for financial relief the court may dispense with the lodging of a statement of information in accordance with sub-paragraph (2) and give directions for the information which would otherwise be required to be given in such a statement to be given in such a manner as it sees fit.

Investigation by district judge of application under section 27 of Act of 1973 or under Part 9 of Schedule 5 to Act of 2004

6.—(1) On or after the filing of a notice in Form M19 an appointment must be fixed for the hearing of the application by the district judge.

(2) An application for an avoidance of disposition order must, if practicable, be heard at the same time as any related application.

(3) Notice of the appointment must be given in Form M20 by the proper officer to every party to the application.

(4) Any party may apply to the court for an order that any person do attend an appointment (an “inspection appointment”) before the court and produce any documents to be specified or described in the order, the inspection of which appears to the court to be necessary for disposing fairly of the application to which it relates or for saving costs.

(5) No person shall be required by an order under sub-paragraph (4) to produce any document at an inspection appointment which he could not be required to produce at the final hearing of the application.

(6) The court must permit any person attending an inspection appointment pursuant to an order under sub-paragraph (4) to be represented at the appointment.

Further provision about certain applications

7.—(1) This paragraph applies to—

- (a) an application under section 27 of the Act of 1973 or under Part 9 of Schedule 5 to the Act of 2004;
- (b) an application under section 35 and 36 of the Act of 1973 or under paragraphs 69 and 73 of Schedule 5 to the Act of 2004;
- (c) an application under section 17 of the Married Women’s Property Act 1882 or under section 66 of the Act of 2004;
- (d) an application under section 33, 35 and 36 of the Family Law Act 1996 and applications for transfer of tenancy under that Act; and

(2) This paragraph, apart from sub-paragraph (3) also applies to an application for financial relief under Part III of the Act of 1984 or under Schedule 7 to the Act of 2004.

(3) At the hearing of an application to which this paragraph applies the district judge must, subject to paragraphs 8 and 9(5) and rule 10.10 investigate the allegations made in support of and in answer to the application, and may take evidence orally and may at any stage of the proceedings, whether before or during the hearing, order the attendance of any person for the purpose of being examined or cross-examined and order the disclosure and inspection of any document or require further affidavits.

(4) The district judge may at any stage of the proceedings give directions as to the filing and service of pleadings and as to the further conduct of the proceedings.

(5) Where any party to such an application intends on the day appointed for the hearing to apply for directions, he must file and serve on every other party a notice to that effect.

(6) Subject to any directions given by the court, any party to an application to which this sub-paragraph applies may by letter require any other party to give further information concerning any matter contained in any affidavit filed by or on behalf of that other party or any other relevant matter, or to provide a list of relevant documents or to allow inspection of any such document, and may, in default of compliance by such other party, apply to the district judge for directions.

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Order on certain applications

8.—(1) This paragraph applies to—

- (a) an application under section 27 of the Act of 1973 or under Part 9 of Schedule 5 to the Act of 2004;
- (b) an application under section 35 and 36 of the Act of 1973 or under paragraphs 69 and 73 of Schedule 5 to the Act of 2004;
- (c) an application under section 17 of the Married Women’s Property Act 1882 or under section 66 of the Act of 2004;

(2) Subject to paragraph 9(5) the district judge must, after completing his investigation under paragraph 7, make such order as he thinks just.

(3) Pending the final determination of the application, the district judge may make an interim order upon such terms as he thinks just.

(4) RSC Order 31, rule 1 (power to order sale of land) shall apply to applications to which this rule applies as though that application were a cause or matter in the Chancery Division.

Arrangements for hearing applications etc by judge

9.—(1) This paragraph applies to

- (a) an application under section 27 of the Act of 1973 or under Part 9 of Schedule 5 to the Act of 2004;
- (b) an application under section 35 of the Act of 1973 or under paragraphs 69 of Schedule 5 to the Act of 2004;
- (c) an application under section 17 of the Married Women’s Property Act 1882 or under section 66 of the Act of 2004.

(2) This paragraph, apart from sub-paragraphs (5), (8), (9) and (10), applies to an application under section 24 of the Act of 1984 or under paragraph 17 of Schedule 7 to the Act of 2004 for an order preventing transactions.

(3) Sub-paragraphs (5) to (7) of this paragraph apply to an application under section 36 of the Act of 1973 or under paragraph 73 of Schedule 5 to the Act of 2004;

(4) Sub-paragraphs (6) and (7) of this paragraph apply to an application for financial relief under the Act of 1984 or under Schedule 7 to the Act of 2004.

(5) The district judge may at any time refer an application of a kind referred to in sub-paragraph (1), or any question arising thereon, to a judge for his decision.

(6) Where an application of a kind mentioned in sub-paragraph (1), (2) or (3) is referred or adjourned to a judge, the proper officer must fix a date, time and place for the hearing of the application or the consideration of the question and give notice of that date to all parties.

(7) The hearing or consideration must, unless the court otherwise directs, take place in chambers.

(8) In an application under the Married Women’s Property Act 1882 or under section 27 or 35 of the Act of 1973, where the application is proceeding in a divorce county court which is not a court of trial or is pending in the High Court and proceeding in a district registry which is not in a divorce town, the hearing or consideration shall take place at such court of trial or divorce town as in the opinion of the district judge is the nearest or most convenient.

(9) In an application under section 66 of the Act of 2004 or under Part 9 or paragraph 69 of Schedule 5 to the Act of 2004, where the application is proceeding in a civil partnership proceedings county court which is not a court of trial or is pending in the High Court and proceeding in a district registry which is not in a dissolution town, the hearing or consideration

shall take place at such court of trial or dissolution town as in the opinion of the district judge is the nearest or most convenient.

(10) For the purposes of sub-paragraph (8) and (9) the Royal Courts of Justice shall be treated as a divorce town or a dissolution town, as the case may be.

(11) In respect of any application referred to him under this rule, a judge shall have the same powers as a district judge has under paragraph 7(4).”

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Rules 1991 (S.I. 1991/1247) in order to implement the Civil Partnership Act 2004 (c. 33), which received Royal Assent on 18 November 2004. They also make changes consequential to amendments to the Children Act 1989 (c. 41) made by sections 112 and 115 of the Adoption and Children Act 2002 (c. 38).

Section 112 of the 2002 Act inserts section 4A into the Children Act 1989 to enable a step-parent to acquire parental responsibility for a child of his spouse or civil partner. Section 115(1) of that Act inserts new sections 14A to 14G into the 1989 Act to provide for special guardianship orders.

These Rules also make amendments to the procedure relating to the disclosure of pension assets in ancillary relief proceedings as prescribed by the Family Proceedings Rules 1991.

The table below sets out the effect of the amendments that these Rules make to the Family Proceedings Rules 1991. The amendments create procedures for proceedings relating to civil partnerships similar to those which currently exists for comparable proceedings relating to marriage and make provision for the procedure which applies to an application for a special guardianship order (“SGO”) or an order giving a step-parent parental responsibility.

Table

<i>Rule number</i>	<i>FPR rule number</i>	<i>Effect of amendment on existing rule</i>
2	Arrangement of Rules	Provides a new Arrangement of Rules in consequence of other amendments.
3	1.2(1)	Provides new definitions of existing defined terms and inserts new ones in consequence of the other changes made by these rules.
4	1.4	Makes provision for civil partnership proceedings pending in the principal registry to be treated as though they were pending in a civil

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<i>Rule number</i>	<i>FPR rule number</i>	<i>Effect of amendment on existing rule</i>
		partnership proceedings county court.
5		Provides amended heading referring to civil partnership causes as well as to matrimonial causes.
6	2.1	Applies Part II to civil partnership causes (by virtue of the new definition of “cause” in rule 1.2), to applications for financial relief in the High Court or a county court in connection with a civil partnership (except applications under Part 9 (failure to maintain), Part 12 (arrears and repayments) and paragraphs 69 and 73 (applications to alter agreements) of Schedule 5 to the Act of 2004) and to the procedure for complying with section 63 of the Act of 2004.
7	2.2(2)	<p>a) Requires (by virtue of the new definition of “cause” in rule 1.2) applications for dissolution, nullity of civil partnership or separation orders to be begun by petition.</p> <p>b) Includes such a petition in the list of petitions to which a statement must be attached if it is disclosed in the petition that there is a minor child of the family.</p>
8	2.6	Makes provision for the presentation and filing of a petition in a civil partnership cause.
9	2.6A	a) Requires a petition for nullity of civil partnership on the ground of issue of an interim gender recognition certificate usually to be

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		<p>accompanied by a copy of that interim certificate.</p> <p>b) Requires notice of such a petition to the Secretary of State and provides for the form of that notice.</p>
10	2.6B	Requires that a petition for nullity of civil partnership on the ground that the respondent's gender was the acquired gender at the time of the marriage usually be accompanied by a copy of the full gender recognition certificate.
11	2.9	Provides that the rule about deemed service in rule 2.9(6) does not apply were a petition alleging only two years separation and consent does not apply without the respondent's written consent to the granting of a decree.
12	2.9A	Requires that an acknowledgment of service of a petition brought on a ground relating to gender recognition usually be accompanied by a gender recognition certificate if such a certificate has been issued to the respondent.
13	2.10	Makes provisions about the consent or otherwise of a respondent to a petition for a dissolution order on the basis of two years' separation and consent.
14	2.12	Makes provision about the filing of an answer in a civil partnership cause.
15	2.12A	Makes equivalent provision in relation to an answer requesting an order for nullity of civil partnership on the ground of issue of an interim gender recognition certificate

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<i>Rule number</i>	<i>FPR rule number</i>	<i>Effect of amendment on existing rule</i>
		to that made by rule 9 in respect of a petition.
16	2.12B	Makes equivalent provision in relation to an answer requesting an order for nullity of civil partnership on the ground that the respondent's gender was the acquired gender at the time of the marriage usually be accompanied by a copy of the full gender recognition certificate to that made by rule 10 in respect of a petition.
17	2.13(2)	Makes provision about the contents of replies in civil partnership causes.
18	2.13A	Requires that a reply to an answer praying for an order of nullity on a ground relating to gender recognition usually be accompanied by a gender recognition certificate if such a certificate has been issued to the respondent.
19	2.15	Makes provision about the contents of answers in civil partnership proceedings.
20	2.17	Makes provision for the use of the correct form in civil partnership proceedings.
21	2.21(3)	Refers to a designated county court instead of a divorce county court so that the provisions of the rule apply to a civil partnership proceedings county court as well as to a divorce county court.
22	2.22	Amends the heading to make clear that medical examinations only apply to proceedings for nullity of marriage.
23	2.24	a) Makes provision about directions for trial in a civil partnership cause, including

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<i>Rule number</i>	<i>FPR rule number</i>	<i>Effect of amendment on existing rule</i>
		making provision for the application of the special procedure in civil partnership causes for dissolution, separation and nullity of civil partnership on the ground that an interim recognition certificate has been issued to one of the parties.
		b) Applies the special procedure to matrimonial causes for nullity of marriage on that ground.
24	2.26	Amends the heading of the rule so that the provisions of the rule are extended to a defended civil partnership cause where the unreasonable behaviour of the respondent is alleged.
25		Inserts new rule 2.27AA making provision about the procedure to be followed where the question arises whether civil partnership proceedings should be stayed under the Family Proceedings (Civil Partnership: Staying of Proceedings) Rules 2005.
26	2.30	Applies provisions about issue of witness summons and writs of subpoena to civil partnership causes.
27	2.32	Makes provision about the mode and place of trial of civil partnership causes and related issues.
28	2.34(1)	Extends the provisions of the paragraph so that it allows a district judge of the place where a matter is set down for trial to exercise, in certain circumstances, the jurisdiction of the district judge for registry in which cause is proceeding.
29	2.36	(a) Makes provision for the disposal of civil

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<i>Rule number</i>	<i>FPR rule number</i>	<i>Effect of amendment on existing rule</i>
		partnership causes in the special procedure list.
		(b) Inserts a new paragraph (5) to exclude the provisions of paragraph (4) from proceedings for an order for nullity of marriage and nullity of civil partnership where an interim gender recognition certificate has been issued to the respondent, unless the court has given leave.
30	2.37(3)	Provides for notice to be given to respondent, co-respondent or party cited in certain circumstances where the court is considering making an order for costs in proceedings following a conditional order of dissolution or an order of separation.
31	2.38(2)	Makes reference to consideration by the district judge of the provisions of section 63 of the Act of 2004.
32	2.39	Provides the procedure to be followed in order to comply with section 63 of the Act of 2004.
33	2.41	Refers to a designated county court instead of a divorce county court so that the provisions of the paragraph apply to a civil partnership proceedings county court as well as to a divorce county court.
34	2.42	Makes provision about applications for re-hearings of civil partnership causes.
35	2.43	Makes provision about the drawing up of:— a) a civil partnership order, b) an order made in a designated county court,

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<i>Rule number</i>	<i>FPR rule number</i>	<i>Effect of amendment on existing rule</i>
		c) an order made in a dissolution town.
36	2.44	Makes provision about applications for rescission of conditional dissolution orders.
37	2.45	Provides the procedure for an application by a respondent to a petition for dissolution for the court to consider his financial position after the dissolution and prescribes Form B for use in civil partnership proceedings.
38	2.46	Provides the procedure for interventions by the Queen's Proctor to show cause against a conditional order being made final.
39	2.47	Provides the procedure for intervention to show cause by a person other than the Queen's Proctor to a civil partnership cause.
40	2.48	Allows for rescission of a conditional order or a separation order where there has been a reconciliation between the civil partners.
41	2.49	Prescribes Form M8 for use by a civil partner for an application to make final a conditional order pronounced in his favour and provides the procedure for such an application.
42	2.50	Makes provision about application for a final order in certain cases.
43		New rules 2.51A requiring the provision to the parties of the order making a conditional order final and making provision about a central register of final orders.
44	2.51B	Renumbers rule and applies rules 2.51D to 2.70 to any

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<i>Rule number</i>	<i>FPR rule number</i>	<i>Effect of amendment on existing rule</i>
		application under section 48(2) of the Act of 2004 and (by virtue of definition changes) to ancillary relief in a civil partnership cause.
45, 46	2.51C and D	Renumbers rules
47	2.53(1)	Provides for manner of making applications for maintenance pending outcome of proceedings.
48	2.54(1)(d)	Corrects an error in this rule.
49	2.57(1)	Allows for a child to be separately represented in ancillary relief applications in civil partnership causes.
50	2.61(1)	Makes provision about information to be lodged on an application for a consent order for financial relief in a civil partnership cause.
51	2.61A	Prescribes Form A as the form of application in civil partnership proceedings and makes provision about the contents and filing of the form and the fixing of a first appointment in those proceedings.
52	2.61D	Allows the District Judge at the First Appointment Hearing to direct any party with pension assets to file and serve the Pension Inquiry Form (Form P).
53	2.66	Provides the procedure for arrangements for hearing of applications by a judge in a civil partnership cause.
54	2.67	Provides the procedure to be followed on a request for periodical payments at the same rate as an order for maintenance pending outcome of proceedings in a civil partnership cause and prescribes Form I and Form

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<i>Rule number</i>	<i>FPR rule number</i>	<i>Effect of amendment on existing rule</i>
		H for use in civil partnership proceedings.
55	2.68	Provides the procedure for an application under paragraph 74(2) of Schedule 5 to the Act of 2004.
56	2.69F(1)	Makes provision about applications for maintenance pending outcome of proceedings.
57	2.70	Makes particular provision about applications seeking pension sharing orders and pension attachment orders. Rule 2.70(2) is amended to remove the obligation on parties to furnish the information referred to in regulation 3(b) to (f) of the Pensions on Divorce etc (Provision of Information) Regulations 2000 (S.I. 1048/2000) at the outset of the proceedings. The information will be contained in the Pension Inquiry Form (Form P). Rule 2.70(8) is amended to make clear that paragraph (8) applies to the party with the pension rights. Sub-paragraph 13(b) prescribes the Pension Sharing Annex (Form P1) and the Pension Attachment Annex (Form P2). Paragraphs (14) and (15) are removed from rule 2.70. Paragraph (16) is amended to allow the court to direct that one of the parties sends the specified documentation to the person responsible for the pension arrangement.
58	3.1	Provides the procedure for an application in the case of failure to provide reasonable maintenance in relation to a civil partnership and prescribes

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<i>Rule number</i>	<i>FPR rule number</i>	<i>Effect of amendment on existing rule</i>
59	3.2	Forms M6, M19 and M20 to such an application. Provides the procedure for applications for alteration of maintenance agreement during the lifetime of the parties to a civil partnership and prescribes Form M21 for use on such an application.
60	3.3	Prescribes the use of Form M22 as the form of application for alteration of maintenance agreement after the death of one party to a civil partnership and makes provision the contents of the affidavit filed in support of such an application.
61	3.5	Applies the provisions listed in sub-paragraphs (a) – (c) to an application under paragraph 69 or 73 of Schedule 5 to the Act of 2004.
62	3.6	Provides the procedure for an application under section 66 of the Act of 2004 and prescribes Form M23 for use in an application under that section.
63	3.7	Provides for an application under section 66 of the Act of 2004 to be made to the principal registry as if the principal registry was a civil partnership proceedings county court.
64	3.8	Makes reference to civil partners, as the Act of 2004 amends Part IV of the Family Law Act 1996 to apply where the parties are civil partners of each other and applies paragraph 7 of Appendix 4 to such applications.
65	3.12(1)(d)	Refers to the possibility that previous proceedings may have related to the civil partnership status of either of the parties.

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<i>Rule number</i>	<i>FPR rule number</i>	<i>Effect of amendment on existing rule</i>
66		Inserts a new rule to set out the procedure for applications under section 58 of the Act of 2004 for declaration as to civil partnership status.
67	3.13	Substitutes “parent” for “mother and father”.
68	3.15(4)(a)	Inserts a reference to section 67 of the Adoption and Children Act 2002 (this amendment is consequential to the implementation of the Act).
69	3.16	Provides references to declarations regarding status under the Act of 2004.
70	3.17	Provides the procedure for an application for leave under paragraph 4 of Schedule 7 to the Act of 2004 and prescribes Form M25 for use in civil partnership proceedings.
71	3.18	Provides the procedure relating to an application under Schedule 7 of the Act of 2004 and prescribes Forms M26 and M28 for use in an application under that provision.
72	3.19	Provides the procedure for an application under paragraph 17 of Schedule 7 to the Act of 2004 and prescribes Form M27 for an application made under that provision.
73		Inserts a new rule to set out the procedure relating to consent to the registration of a civil partnership of a child.
74	3.24(4)	Includes an application for an order of nullity of civil partnership in paragraph (4) so that, if the applicant knows that the respondent is a party to a cause in which such an application is made, he must comply with sub-paragraphs (i) and (ii).

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<i>Rule number</i>	<i>FPR rule number</i>	<i>Effect of amendment on existing rule</i>
75	4.1	Inserts a definition of a SGO and inserts statutory references to the new sections in the Children Act 1989 in relation to step-parent parental responsibility orders and SGOs in the list of proceedings to which the Rules apply.
76	4.3(2)	Provides that the local authority that is preparing, or has prepared, the report under section 14A(8) or (9) (report on suitability of applicant to be a special guardian) (“the report”) to be notified that the leave of the court has been granted to bring an application for a SGO or that a date for hearing such a request has been fixed.
77	4.5(4)(a)(iii) and (b)	Provides that the local authority that is preparing, or has prepared the report to be notified that the court has granted leave to withdraw an application for a SGO or set a date for the hearing of such a request.
78	4.6(3)(a) and (b), (4)(c) and (5)	Provides that the local authority that is preparing, or has prepared the report to be notified that the court has transferred the proceedings for a SGO to another court or has set a date for a hearing about whether there should be such a transfer.
79	4.7(3)	Provides that the local authority that is preparing, or has prepared the report to be notified that the court has granted a request for a person to be joined as a party or has set a date for the consideration of such a request or a request to cease to be a party.
80	4.9	Requires each respondent to an application for a SGO to file

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		an acknowledgement of the application.
81	4.11A(7)(b)	Provides that the local authority that is preparing, or has prepared the report is served with a copy of any report prepared by the children's guardian.
82	4.11B(2)(b)(ii), 4.13(1)	Provides that the local authority that is preparing, or has prepared the report is served with a copy of any report prepared by a welfare officer or children and family reporter.
83	4.14	Provides that the local authority that is preparing, or has prepared the report to be informed of directions made by the court in connection with an application for a SGO and to apply for directions to be given, varied or revoked.
84	4.15(2)(c)(ii)	Provides that the local authority that is preparing, or has prepared the report to be informed of the date fixed for the next stage of the proceedings in the application for a SGO.
85	4.17	Provides that the local authority that is preparing, or has prepared the report to be served with the evidence upon which a party intends to rely in connection with their application for a SGO.
86	4.17A	Inserts a new rule requiring the local authority has prepared the report to file that report and requiring the court to consider whether the report, or parts of it, should be disclosed to the parties.
87	4.21	Permits a party to whom the report has been disclosed to question the person

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		who prepared the report at the hearing at which it is considered and requires a copy of any SGO to be served on the local authority that prepared the report.
88	4.21A	Enables a SGO to be enforced.
89	4.22(2)	In the event of an appeal in relation to a SGO, requires notice of the appeal to be served on the local authority that prepared the report.
90	5.4(1)(b)	Inserts a reference to an application to place a child for adoption. This amendment is consequential upon the implementation of the Adoption and Children Act 2002 and means that permission of the court must be obtained to make an application to place a child for adoption when the child is a ward of court.
91	7.1	Provides for the enforcement of orders for the payment of money made in a civil partnership proceedings county court.
92	7.2(3)	Refers to a designated county courts in order make provision about committal and injunctions in a civil partnership proceedings county court.
93	7.3(1)	Refers to a designated county court in order to provide for an application for a transfer of an order from a civil partnership proceedings county court to the High Court.
94	7.4	Includes a civil partnership proceedings county court as a court in which an application for a judgement summons may be made and makes

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95	7.6	<p>further provision about such applications to the High Court.</p> <p>Refers to a designated county court in order to apply the provisions of the rule to judgment summonses in a civil partnership proceedings county court.</p>
96, 97, 98	7.40, 7.41, 7.48	<p>Ensures that the rules in respect of the procedure for registration of a judgment apply equally for overseas judgments where the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 applies, as it does to judgments to which Council Regulation (EC) 2201/2003 applies. Provides a new title of rule 7.48 so it more accurately reflects the contents of the provision.</p>
99	7.53	<p>Corrects an error in this rule.</p>
100	8.2(9)(b)	<p>Provides that an appeal from an order under Schedule 6 to the Act of 2004 may be heard at a dissolution town in certain circumstances.</p>
101	9.4	<p>Makes provision about petitions for nullity of civil partnership on grounds of mental disorder.</p>
102	9.5	<p>Adds reference to new Appendix 4 of the FPR.</p>
103	10.4	<p>Refers to a designated county court in order to apply the provision of the rule to service by bailiff in a civil partnership proceedings county court.</p>
104	10.6	<p>Refers to a designated county court in order to apply CCR Order 8, rules 8 to 10 to proceedings pending in a civil partnership proceedings county court and amends existing references to forms.</p>

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105	10.8(1)	Amends existing rule to refer to new civil partnership forms.
106	10.9(b)	Provides that an application pending in a civil partnership proceedings county court shall be made in accordance with CCR Order 13, rule 1.
107	10.10	Inserts a paragraph to make provision for a cause pending in civil partnership proceedings county court to be transferred to another civil partnership proceedings county court.
108	10.11	Refers to a designated county court in order to apply the provisions of the rule to a transfer of proceedings involving a civil partnership proceedings county court.
109	10.13	Refers to a designated county court in order to apply the procedure relating to the taking of affidavit in a civil partnership proceedings county court.
110	10.14	Sets out the documents that must evidence the formation of a civil partnership outside England and Wales and makes provision relating to the Evidence (Foreign, Dominion and Colonial Documents) Act 1933 for proof of civil partnership.
111	10.16	Applies the provisions of the rule to a conditional order and a final order made in a civil partnership cause.
112	10.19	Applies the provision of the rule to a civil partnership proceedings county court.
113	10.20	Extends the provision of the rule to apply to a civil partnership order and applies new paragraph of Appendix 4.

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114	10.20A	Extends the provision of the rule to enable communication of information relating to proceedings to civil partners and amends the definition of “cohabitant” to include reference to those living together as though they were civil partners.
115	10.21B	Includes documents in proceedings for nullity of civil partnership on a ground relating to gender recognition to the provision relating to storage.
116	10.22	Includes a civil partnership proceedings county court in the provision relating to practice to be observed.
117	Appendix 1	Amends existing forms and inserts new ones to provide for applications relating to civil partnerships, step-parent parental responsibility orders, SGOs and the disclosure of pension assets in Form M1.
118	Appendix 1A	Amends existing forms to provide for applications relating to civil partnerships and the insertion of new forms P, P1 and P2 regarding pension assets in ancillary relief proceedings.
119(a)	Paragraph 1 of Appendix 2	Prescribes the contents of a petition filed for dissolution, nullity of civil partnership or separation.
119(b)	Paragraph 2 of Appendix 2	Provides the requirements relating to a petition for nullity of civil partnership under section 50(1)(c) or (e) of the Act of 2004.
119(c)	Paragraph 3 of Appendix 2	Prescribes the contents of a petition for presumption of death and dissolution of civil partnership.

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120	Appendix 3	Adds the child as a respondent to an application for a SGO if a care order is in force and makes provision for the people who must be served with a copy of such an application or an application for a step-parent parental responsibility order and the period of notice they must be given.
121		Inserts new Appendix 4. This Appendix contains a modified version of the old (pre-1999) ancillary relief rules which will apply to certain applications governed by Part III.
122, 123		Provide consequential and transitional provision.