STATUTORY INSTRUMENTS

2015 No. 913 (L. 13)

FAMILY PROCEEDINGS
SENIOR COURTS OF ENGLAND AND WALES
FAMILY COURT, ENGLAND AND WALES

The Family Procedure (Amendment) Rules 2015

Made - - - -	*23rd March 2015*
Laid before Parliament	*26th March 2015*
Coming into force - -	*1st July 2015*

The Family Procedure Rule Committee makes the following rules in exercise of the powers conferred by section 48 of the Civil Jurisdiction and Judgments Act 1982(**1**) and by sections 75 and 76 of the Courts Act 2003(**2**), after consulting in accordance with section 79 of the Courts Act 2003.

Citation and commencement

1. These Rules may be cited as the Family Procedure (Amendment) Rules 2015 and come into force on 1st July 2015.

Amendments to the Family Procedure Rules 2010

2. The Family Procedure Rules 2010(**3**) are amended in accordance with rules 3 to 13.

3. In rule 2.3(1) (interpretation)(**4**), in the definition of "matrimonial order", for "sections 11 or 12" substitute "section 11, 12 or 12A".

4. In rule 7.1(3) (application and interpretation)(**5**), in the definition of "defended case", in sub-paragraph (c), for "rule 7.12(11) applies" substitute "rule 7.12(11A) applies, in light of paragraph (11) of that rule".

(**1**) 1982 c.27. See section 50 for the definition of "rules of court". Section 48 was amended by paragraph 23 of Schedule 2 to the Civil Jurisdiction and Judgments Act 1991 (c.12), paragraph 86 of Schedule 11 to the Crime and Courts Act 2013 (c.22) and by S.I. 2001/3929, 2011/1215, 2012/1770 and 2014/2947.

(**2**) 2003 c.39. Section 75 was amended by paragraph 338 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c.4) and by paragraph 91 of Schedule 10 to the Crime and Courts Act 2013 (c.22). Section 76 was amended by section 62(7) of the Children Act 2004 (c.31), paragraph 172 of Schedule 27 to the Civil Partnership Act 2004 (c.33), paragraph 29 of Schedule 1 to the Constitutional Reform Act 2005 and paragraph 92 of Schedule 10 to the Crime and Courts Act 2013.

(**3**) S.I. 2010/2955.

(**4**) There are amendments to rule 2.3(1), none of which is relevant to these Rules .

(**5**) Rule 7.1 was amended by S.I. 2013/3204.

5. In rule 7.11 (nullity: interim and full gender recognition certificates)(**6**)—

(a) in paragraph (1)—

(i) in sub-paragraph (a)—

(aa) for "section 12(g)" substitute "section 12(1)(g)"; and

(bb) omit "or" the second time it occurs;

(ii) after sub-paragraph (a), insert—

"(aa) nullity of marriage under section 12A(3) of the 1973 Act in a case where section 12(1)(g) of the 1973 Act applies; or";

(b) in paragraph (4), for sub-paragraph (a) substitute—

"(a) the application is for—

(i) a decree of nullity of marriage under section 12(1)(h) of the 1973 Act;

(ii) a decree of nullity of marriage under section 12A(3) of the 1973 Act in a case where section 12(1)(h) of the 1973 Act applies ; or

(iii) an order of nullity of civil partnership under section 50(1)(e) of the 2004 Act; and"; and

(c) after paragraph (4), insert—

"(In relation to paragraphs (1)(aa), (3)(a) and (4)(a)(ii), section 9(6) of the Marriage (Same Sex Couples) Act 2013(**7**) provides that where a civil partnership is converted into a marriage, the civil partnership ends on the conversion, and the resulting marriage is to be treated as having subsisted since the date the civil partnership was formed.)".

6. In rule 7.12 (what the respondent and co-respondent should do on receiving the application)(**8**)—

(a) for paragraph (11), substitute—

"(11) Paragraph (11A) applies where—

(a) the application is for—

(i) nullity of marriage under section 12(1)(d) of the 1973 Act;

(ii) nullity of marriage under section 12A(3) of the 1973 Act in a case where section 12(1)(d) of the 1973 Act applies ; or

(iii) nullity of civil partnership under section 50(1)(b) of the 2004 Act; and

(b) the respondent files an answer containing no more than a simple denial of the facts stated in the application.

(11A) The respondent must, if intending to rebut the matters stated in the application, give notice to the court of that intention when filing the answer."; and

(b) after the words in parentheses at the end of the rule, insert—

"(In relation to paragraph (11)(a)(ii), section 9(6) of the Marriage (Same Sex Couples) Act 2013 provides that where a civil partnership is converted into a marriage, the civil partnership ends on the conversion, and the resulting marriage is to be treated as having subsisted since the date the civil partnership was formed.)".

(**6**) Rule 7.11 was amended by S.I. 2014/524.
(**7**) 2013 c.30.
(**8**) Rule 7.12 was amended by S.I. 2012/679 and 2014/843.

7. In rule 7.20 (what the court will do on an application for a decree nisi, a conditional order, a decree of judicial separation or a separation order)(**9**), in paragraph (9)—

(a) in sub-paragraph (a)—

(i) for "section 12(g)" substitute "section 12(1)(g)"; and

(ii) omit "or" the second time it occurs; and

(b) after sub-paragraph (a), insert—

"(aa) a decree of nullity of marriage under section 12A(3) of the 1973 Act in a case where section 12(1)(g) of the 1973 Act applies; or".

8. In rule 7.21 (further provisions about costs), for paragraph (2) substitute—

"(2) In the case of a hearing following a direction under rule 7.20(2)(a), a party will not be heard unless that party has, not less than 14 days before the hearing—

(a) given written notice to the court of that party's intention to attend the hearing and apply for, or oppose the making of, an order for costs; and

(b) served that notice on every other party.

(3) On receipt of such a written notice, the court may make such directions in relation to the hearing as it sees fit.".

9. In rule 7.32 (making decrees nisi absolute or conditional orders final by giving notice)(**10**), in sub-paragraph (i) of paragraph (2)—

(a) for "section 12(g)" substitute "section 12(1)(g)";

(b) after "1973 Act" insert ", or was made under section 12A(3) of the 1973 Act in a case where section 12(1)(g) of the 1973 Act applies"; and

(c) in paragraph (i), after "Gender Recognition Act 2004" insert ", or an application under section 8(5A) of that Act,".

10. Omit rule 11.11 (orders containing provisions to which a power of arrest is attached).

11. For rule 11.12 (service where order contains a power of arrest), substitute—

"**Service of an order on the officer for the time being in charge of a police station**

11.12.—(1) Where the court makes a forced marriage protection order a copy of the order must be delivered to the officer for the time being in charge of—

(a) the police station for the address of the person who is the subject of the proceedings; or

(b) such other police station as the court may specify.

(2) A copy of the order delivered under paragraph (1) must be accompanied by a statement showing that the respondent(s) has been served with the order or informed of its terms (whether by being present when the order was made or by telephone or otherwise).

(3) The documents referred to in paragraphs (1) and (2) must be delivered by—

(a) the applicant; or

(b) the court officer, where the order was served following a request under rule 11.7(4).

(**9**) Rule 7.20 was amended by S.I. 2012/679, 2013/3204 and 2014/843.
(**10**) Rule 7.32 was amended by S.I. 2012/679 and 2014/843.