2003 No. 2839 (L. 35)

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

The Family Proceedings (Amendment No. 2) Rules 2003

Made - - - - - *10th November 2003*

Laid before Parliament *10th November 2003*

Coming into force in accordance with rule 1(1)

We, the authority having power under section 40(1) of the Matrimonial and Family Proceedings Act 1984(**a**) to make rules of court for the purposes of family proceedings in the High Court and county courts, in the exercise of the powers conferred by section 40, make the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Family Proceedings (Amendment No. 2) Rules 2003 and shall come into force—

(a) for the purpose of rules 1 to 3, 5 and 6 and the Schedule, on 1st December 2003; and

(b) otherwise, on the date on which section 111 (Parental responsibility of unmarried father) of the Adoption and Children Act 2002(**b**) comes into force.

(2) In these Rules, unless the context requires otherwise, a reference to a rule, Appendix or form by number alone means the rule, Appendix or form so numbered in the Family Proceedings Rules 1991(**c**).

Transitional provisions

2. In relation to any of these Rules, other than rules 3, 4, 7 and 8, where proceedings have been commenced before the date on which that Rule comes into force, the Family Proceedings Rules 1991 shall apply to those proceedings as if that Rule had not been made.

Amendments to the Family Proceedings Rules 1991

3. In rule 2.61(1)(dd), for "14" substitute "21".

4. In rule 4.1(2)(c), for "4(1)(a)" substitute "4(1)(c)".

(**a**) 1984 c. 42; amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 50 and the Civil Procedure Act 1997 (c. 12), Schedule 2, paragraph 3.
(**b**) 2002 c. 38.
(**c**) S.I. 1991/1247; the relevant amending instruments are S.I. 1991/2113 and 1994/3155.

5. In Form M5, in paragraph 3 for the words from "within 28 days" to "proceedings" substitute "file in the Court office an answer to the petition, together with a copy for every other party to the proceedings. You must file your answer within 21 days after the time limit for giving notice for intention to defend has expired, which is in turn 7 working days after the notice has been served on you.".

6. Substitute the forms set out in the Schedule to these Rules for Forms M7(a), M7(b), M7(c), M7(d) and M7(e).

7. In Form C45—

(a) for "4(3)" substitute "4(2A)";

(b) before "application of the child" insert "the".

8. In Appendix 3, for "4(1)(a)" substitute "4(1)(c)".

Elizabeth Butler-Sloss,

His Honour Judge Victor Hall,

Mark Harper,

Claire Jenkins,

District Judge Rachel Evans,

Senior District Judge Gerald Angel,

Godfrey Freeman,

Peter Hunt,

Christopher Frazer.

Dated 10th November 2003

Falconer of Thoroton, C

Rule 2.24(3)

Form M7(a)

Affidavit by petitioner in support of petition under Section 1(2)(a) of the Matrimonial Causes Act 1973

No. of Matter

*Delete as appropriate

IN THE COUNTY COURT*
[PRINCIPAL REGISTRY OF THE FAMILY DIVISION*]

Between (Petitioner)
and (Respondent)
and (Co-Respondent)

QUESTION	ANSWER
About the Divorce 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.	
4. State briefly your reasons for saying that the respondent has committed the adultery alleged.	
5. On what date did it first become known to you that the respondent had committed the adultery alleged?	
6. Do you find it intolerable to live with the respondent?	
7. Since the date given in the answer to Question 5, have you ever lived with the respondent in the same household? If so, state the address and the period (or periods), giving dates.	
About the children of the family 8. Have you read the Statement of Arrangements filed in this case?	
9. Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions.	
10. Subject to these alterations and additions (if any) is everything stated in the **Statement of Arrangements** true? 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.	

I, (full name)

of (full residential address)

(occupation)

make oath and say as follows:—

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

1. I am the petitioner in this cause.

2. The answers to Questions 1 to 10 above are true.

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

3.(1) I identify the signature .....(2) appearing on the copy acknowledgement of service now produced to me and marked "A" as the signature of my husband/wife, the respondent in this cause.

4.(3) I identify the signature .....(2) appearing at the foot of the document now produced to me and marked "B" as the signature of the respondent.

(3) Insert where confession exhibited.

5. 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.

(4) Exhibit any document on which the petitioner wishes to rely.

6.(4)

(5) If the petitioner seeks a judicial separation, amend accordingly.

7. I ask the court to grant a decree dissolving my marriage with the respondent(5) on the ground stated in my petition [and to order the respondent/co-respondent to pay the costs of this suit].(6)

(6) 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(7)

(7) Delete as the case may be.

Rule 2.24(3)

Form M7(b)

Affidavit by petitioner in support of petition under Section 1(2)(b) of the Matrimonial Causes Act 1973

No. of Matter

*Delete as appropriate

IN THE COUNTY COURT*
[PRINCIPAL REGISTRY OF THE FAMILY DIVISION*]

Between (Petitioner)
and (Respondent)

QUESTION	ANSWER
About the Divorce Petition	
1. Have you read the petition in this case including what is said about the behaviour of the respondent?	
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.	
4. If you consider that the respondent's behaviour has affected your health, state the effect it has had.	
5. (i) Is the respondent's behaviour as set out in your petition and particulars continuing? (ii) If the respondent's behaviour **is not continuing,** what was the date of the final incident relied upon by you in your petition?	
6. (i) Since the date given in answer to question 5 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? (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: — 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.	
	About the children of the family	
7.	Have you read the Statement of Arrangements filed in this case?	
8.	Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions.	
9.	Subject to these alterations and additions (if any) is everything stated in the **Statement of Arrangements** true? 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.	

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 on the copy acknowledgement of service now produced to me and marked "A" as the signature of my husband/wife, the respondent in this cause.

4. I exhibit marked "B" a certificate/report of Dr .....[3]

5. 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.

6. I ask the court to grant a decree dissolving my marriage with the respondent[4] on the ground stated in my petition [and to order the respondent to pay the costs of this suit].[5]

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

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

(3) Exhibit any medical report or document on which the petitioner wishes to rely.

(4) If the petitioner seeks a judicial separation, amend accordingly.

(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[6]

(6) Delete as the case may be.

Rule 2.24(3)

Form M7(c)

Affidavit by petitioner in support of petition under Section 1(2)(c) of the Matrimonial Causes Act 1973

No. of Matter

*Delete as appropriate

IN THE COUNTY COURT*
[PRINCIPAL REGISTRY OF THE FAMILY DIVISION*]

Between (Petitioner)
and (Respondent)

	QUESTION	ANSWER
	About the Divorce Petition	
1.	Have you read the petition filed 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.	
4.	State the date on which you and the respondent separated, and, if different, the date on which the alleged desertion began. Did you agree the separation?	
5.	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.	
6.	Did the respondent ever offer to resume cohabitation?	

7. State as far as you know the various addresses at which you and the respondent have respectively lived since the last date given in answer to Question 4, and the periods of residence at each address.

	Petitioner's address		Respondent's address
From		From	
To		To	

8.	Since the last date given in the answer to Question 4, have you ever lived with the respondent in the same household? If so, state the address and the period (or periods), giving dates.	

About the children of the family 9. Have you read the Statement of Arrangements filed in this case?	
10. Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions.	
11. Subject to these alterations and additions (if any) is everything stated in the **Statement of Arrangements** true? 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.	

I, (full name)

of (full residential address)

(occupation)

make oath and say as follows:—

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

1. I am the petitioner in this cause.

2. The answers to Questions 1 to 11 above are true.

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

3.(1) I identify the signature .....(2) appearing on the copy acknowledgement of service now produced to me and marked "A" as the signature of my husband/wife, the respondent in this cause.

4.(3) I indentify the signature .....(2) appearing at Part IV of the Statement of Arrangements dated ..... now produced to me and marked "B" as the signature of the respondent.

(3) Exhibit any medical report or document on which the petitioner wishes to rely.

5.(3)

6. I ask the court to grant a decree dissolving my marriage with the respondent(4) on the ground stated in my petition [and to order the respondent to pay the costs of this suit].(5)

(4) If the petitioner seeks a judicial separation, amend accordingly.

(5) Amend or delete as appropriate.

Sworn at
In the County of
this day of , 20

Before me,.....

(6) Delete as the case may be.

A Commissioner for Oaths
Officer of the Court appointed
by the Judge to take Affidavits(6)

Rule 2.24(3)

Form M7(d)

Affidavit by petitioner in support of petition under Section 1(2)(d) of the Matrimonial Causes Act 1973

No. of Matter

*Delete as appropriate

IN THE COUNTY COURT*
[PRINCIPAL REGISTRY OF THE FAMILY DIVISION*]

Between (Petitioner)
and (Respondent)

	QUESTION	ANSWER
	About the Divorce Petition	
1.	Have you read the petition filed 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.	
4.	State the date on which you and the respondent separated.	
5.	State briefly the reason or main reason for the separation.	
6.	State the date when and the circumstances in which you came to the conclusion that the marriage was in fact at an end.	
7.	State as far as you know the various addresses at which you and the respondent have respectively lived since the last date given in answer to Question 4, and the periods of residence at each address.	

	Petitioner's address		Respondent's address
From To		From To	

8.	Since the last date given in the answer to Question 4, have you ever lived with the respondent in the same household? If so, state the address and the period (or periods), giving dates.	
	About the children of the family	
9.	Have you read the Statement of Arrangements filed in this case?	
10.	Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions.	

11. Subject to these alterations and additions (if any) is everything stated in the **Statement of Arrangements** true? 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.	

I, (full name)

of (full residential address)

(occupation)

make oath and say as follows:—

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

1. I am the petitioner in this cause.

2. The answers to Questions 1 to 11 above are true.

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

3.(1) I identify the signature .....(2) appearing on the copy acknowledgement of service now produced to me and marked "A" as the signature of my husband/wife, the respondent in this cause.

4.(3) I identify the signature .....(2) appearing at Part IV of the Statement of Arrangements dated ..... now produced to me and marked "B" as the signature of the respondent.

(3) Exhibit any medical report or document on which the petitioner wishes to rely.

5.(3)

6. I ask the court to grant a decree dissolving my marriage with the respondent(4) on the ground stated in my petition [and to order the respondent to pay the costs of this suit].(5)

(4) If the petitioner seeks a judicial separation, amend accordingly.

(5) Amend or delete as appropriate.

Sworn at
In the County of
this day of , 20

Before me,.....

(6) Delete as the case may be.

A Commissioner for Oaths
Officer of the Court appointed
by the Judge to take Affidavits(6)

Rule 2.24(3)

Form M7(e)

Affidavit by petitioner in support of petition under Section 1(2)(e) of the Matrimonial Causes Act 1973

No. of Matter

*Delete as appropriate

IN THE COUNTY COURT*
[PRINCIPAL REGISTRY OF THE FAMILY DIVISION*]

Between (Petitioner)
and (Respondent)

	QUESTION	ANSWER
	About the Divorce Petition	
1.	Have you read the petition filed 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.	
4.	State the date on which you and the respondent separated.	
5.	State briefly the reason or main reason for the separation.	
6.	State the date when and the circumstances in which you came to the conclusion that the marriage was in fact at an end.	
7.	State as far as you know the various addresses at which you and the respondent have respectively lived since the last date given in answer to Question 4, and the periods of residence at each address.	

	Petitioner's address		Respondent's address
From		From	
To		To	

8.	Since the last date given in the answer to Question 4, have you ever lived with the respondent in the same household? If so, state the address and the period (or periods), giving dates.	
	About the children of the family	
9.	Have you read the Statement of Arrangements filed in this case?	
10.	Do you wish to alter anything in the Statement of Arrangements or add to it? If so, state the alterations or additions.	

11. Subject to these alterations and additions (if any) is everything stated in the **Statement of Arrangements** true? 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.	

I, (full name)

of (full residential address)

(occupation)

make oath and say as follows:—

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

1. I am the petitioner in this cause.

2. The answers to Questions 1 to 11 above are true.

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

3.(1) I identify the signature .....(2) appearing on the copy acknowledgement of service now produced to me and marked "A" as the signature of my husband/wife, the respondent in this cause.

4.(3) I identify the signature .....(2) appearing at Part IV of the Statement of Arrangements dated ..... now produced to me and marked "B" as the signature of the respondent.

(3) Exhibit any medical report or document on which the petitioner wishes to rely.

5.(3)

6. I ask the court to grant a decree dissolving my marriage with the respondent(4) on the ground stated in my petition [and to order the respondent to pay the costs of this suit].(5)

(4) If the petitioner seeks a judicial separation, amend accordingly.

(5) Amend or delete as appropriate.

Sworn at
In the County of
this day of , 20

Before me,.....

(6) Delete as the case may be.

A Commissioner for Oaths
Officer of the Court appointed
by the Judge to take Affidavits(6)

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Rules 1991 (S.I. 1991/1247) ("the 1991 Rules") so as to:

- change the time limit for objections from the pension provider in respect of orders for pensions and pension sharing to 21 days *(rule 3)*;
- correct the time limit for filing an answer to a petition in Form M5 *(rule 5)*;
- substitute replacement Forms M7(a) to (e) *(rule 6)*; and
- make minor amendments consequential on the amendment of section 4 of the Children Act 1989 by section 111 of the Adoption and Children Act 2002 (which relates to parental responsibility), to rule 4.1(2)(c) of the 1991 Rules and to Form C45 and the list of applications in Appendix 3 to the 1991 Rules *(rules 4, 7 and 8)*.

STATUTORY INSTRUMENTS

2003 No. 2839 (L. 35)

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

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