

**2012 No. 1462**

**FAMILY PROCEEDINGS**

**SENIOR COURTS OF ENGLAND AND WALES**

**COUNTY COURTS, ENGLAND AND WALES**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Family Procedure (Amendment) (No.2) Rules 2012**

<i>Made</i> - - - -	<i>31st May 2012</i>
<i>Laid before Parliament</i>	<i>7th June 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Family Procedure Rule Committee makes the following rules in exercise of the powers conferred by section 75 of the Courts Act 2003.(a)

**Citation and commencement**

1. These rules may be cited as the Family Procedure (Amendment) (No.2) Rules 2012 and shall come into force on 1st July 2012.

**Amendments to the Family Procedure Rules 2010**

2. The Family Procedure Rules 2010(b) are amended in accordance with rule 3.

3. In rule 31.17—

(a) in paragraph (1), before “The Court” insert “Subject to paragraph (1A),”;

(b) after paragraph (1), insert—

“(1A) The court may enforce a judgment registered under rule 31.11 before the expiration of a period referred to in paragraph (1) where urgent enforcement of the judgment is necessary to secure the welfare of the child to whom the judgment relates.”.

*Nicholas Wall, P*  
*Richard Burton*  
*Martyn Cook*  
*Chris Darbyshire*  
*Bruce Edgington*

*Angela Finnerty  
Mike Hinchliffe  
Ruth Lindley-Glover  
David Salter  
Philip Waller  
John Wilson*

I allow these rules

Signed by authority of the Lord Chancellor

31st May 2012

*McNally*  
Minister of State  
Ministry of Justice

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

These rules amend rule 31.17 of the Family Procedure Rules 2010 to give the court a discretion to permit urgent enforcement where necessary to secure a child's welfare notwithstanding the general position that enforcement is suspended pending expiry of relevant appeal periods. This amendment ensures compliance with the judgment of the Court of Justice of the European Union in *Health Service Executive v. SC and AC, Attorney General intervening* (case no. C-92/12), which determined that the possibility of appeals against a decision on registration of an order from another Member State under Council Regulation (EC) No 2201/2003 should not result in automatic suspension of enforcement of a registered order during the time limit for appealing where the best interests of the child require enforcement as a matter of urgency.

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