



Statutory Document No.

HIGH COURT ACT 1991

RULES OF THE HIGH COURT (FAMILY PROCEEDINGS) 2009

Laid before Tynwald 2009
Coming into operation 1st September 2009

The Deemsters make these Rules under section 25 of the High Court Act 1991¹.

PART 1

GENERAL

1. Title and commencement

- (1) The title of these Rules is the Rules of the High Court (Family Proceedings) 2009.
- (2) These Rules shall come into operation on the 1st September 2009.

2. Interpretation

- (1) In these Rules —
 - "the Court" means the High Court;
 - "the principal Rules" means the Rules of the High Court of Justice 2009².
- (2) Except where otherwise provided, expressions in these Rules have the same meanings as in the principal Rules.

3. Forms

- (1) References in these Rules to an application or other document being made in the appropriate form are to its being made —
 - (a) in any circumstances where a form is prepared or approved under section 27B of the High Court Act 1991 for use in those circumstances, in that form;
 - (b) subject to sub-paragraph (a), in any circumstances where a form is prescribed by rules made under section 40(1) of the Matrimonial and Family Proceedings Act 1984 (an Act of Parliament)³ or section 75 of the Courts Act 2003 (an Act of Parliament)⁴ for use in corresponding circumstances in a court in England and Wales, in that form with any necessary modifications;
 - (c) otherwise, in writing.

¹ 1991 c.12

² SD /09

³ 1984 c.42

⁴ 2003 c.39

- (2) Every document prepared by a party for use in the Court must bear the title of the proceedings as follows:
- (a) a heading —
In the High Court of Justice of the Isle of Man
Civil Division
Family Business;
 - (b) in the case of proceedings under a statutory provision, a description of the proceedings —
Application under Children and Young Persons Act 2001 (or as the case may be);
 - (c) the parties to the proceedings (described in accordance with Part 3 of the principal Rules).

4. Application of principal Rules

- (1) Subject to the provisions of these Rules and of any enactment, the principal Rules shall apply with any necessary modifications to the commencement of, and to the practice and procedure in, any proceedings to which these Rules apply.
- (2) Without prejudice to paragraph (1) —
- (a) the principal Rules apply to an application under these Rules (other than an application made in the course of pending proceedings) as they apply to a claim or claim form;
 - (b) in relation to proceedings to which these Rules apply, references in the principal Rules to a claimant or defendant shall be construed as references to an applicant or respondent respectively.

5. Revocation

The Rules specified in the Schedule are revoked to the extent specified in column 3 of the Schedule.