
STATUTORY INSTRUMENTS

2018 No. 440

The Family Procedure (Amendment) Rules 2018

Amendment of rule 9.18A

9. For rule 9.18A (request for change of procedure) substitute—

“**9.18A.**—(1) Paragraph (2) applies where the applicant wishes to seek a direction from the court that the standard procedure should apply to an application to which the fast-track procedure would otherwise apply.

(2) Where this paragraph applies, a request for a direction—

(a) must be made with the application for a financial remedy; and

(b) must state—

(i) that the applicant seeks a direction that the standard procedure should apply; and

(ii) the applicant’s reasons for seeking such a direction.

(3) Paragraph (4) applies where—

(a) a respondent wishes to seek a direction from the court that the standard procedure should apply to an application to which the fast-track procedure would otherwise apply; or

(b) a respondent wishes to make representations on an application made by the applicant to which paragraph (1) applies.

(4) Where this paragraph applies, the respondent’s request or representations—

(a) must be filed with the court within 7 days of service of the application for a financial remedy; and

(b) must state—

(i) which procedure (standard or fast-track) the respondent wishes the court to direct should apply to the application for a financial remedy; and

(ii) the respondent’s reasons for seeking such a direction.

(5) Where a request or representations referred to in this rule have been made, the court must—

(a) determine without notice to the parties and before the first hearing whether the standard procedure or the fast-track procedure should apply to the application for a financial remedy; and

(b) notify the parties of its determination and any directions made in consequence of that determination.”.