
STATUTORY INSTRUMENTS

1991 No. 1395

The Family Proceedings Courts (Children Act 1989) Rules 1991

**PART II
GENERAL**

Directions

14.—(1) In this rule, “party” includes the guardian ad litem and, where a request or direction concerns a report under section 7, the welfare officer.

(2) In any relevant proceedings the justices' clerk or the court may, subject to paragraph (5), give, vary or revoke directions for the conduct of the proceedings, including—

- (a) the timetable for the proceedings;
- (b) varying the time within which or by which an act is required, by these Rules, to be done;
- (c) the attendance of the child;
- (d) the appointment of a guardian ad litem whether under section 41 or otherwise, or of a solicitor under section 41(3);
- (e) the service of documents;
- (f) the submission of evidence including experts' reports;
- (g) the preparation of welfare reports under section 7;
- (h) the transfer of the proceedings to another court in accordance with any Order made by the Lord Chancellor under Part I of Schedule 11;
- (i) consolidation with other proceedings;

and the justices' clerk shall, on receipt of an application, or where proceedings have been transferred to his court, consider whether such directions need to be given.

(3) Where the justices' clerk or a single justice who is holding a directions appointment considers, for whatever reason, that it is inappropriate to give a direction on a particular matter, he shall refer the matter to the court which may give any appropriate direction.

(4) Where a direction is given under paragraph (2)(h), a certificate shall be issued in the appropriate form in Schedule 1 to these Rules and the justices' clerk shall follow the procedure set out in rule 6(2).

(5) Directions under paragraph (2) may be given, varied or revoked either—

- (a) of the justices' clerk or the court's own motion having given the parties notice of the intention to do so and an opportunity to attend and be heard or to make written representations,
- (b) on the written request of a party specifying the direction which is sought, filed and served on the other parties, or
- (c) on the written request of a party specifying the direction which is sought, to which the other parties consent and which they or their representatives have signed.

(6) In an urgent case, the request under paragraph (5)(b) may, with the leave of the justices' clerk or the court, be made—

- (a) orally,
- (b) without notice to the parties, or
- (c) both as in sub-paragraph (a) and as in sub-paragraph (b).

(7) On receipt of a request under paragraph (5)(b) the justices' clerk shall fix a date for the hearing of the request and give not less than 2 days' notice to the parties of the date so fixed.

(8) On considering a request under paragraph (5)(c) the justices' clerk or the court shall either—

- (a) grant the request, whereupon the justices' clerk shall inform the parties of the decision, or
- (b) direct that a date be fixed for the hearing of the request, whereupon the justices' clerk shall fix such a date and give not less than 2 days' notice to the parties of the date so fixed.

(9) Subject to rule 28, a party may request, in accordance with paragraph 5(b) or (c), that an order be made under section 11(3) or, if he is entitled to apply for such an order, under section 38(1), and paragraphs (6), (7) and (8) shall apply accordingly.

(10) Where, in any relevant proceedings, the court has power to make an order of its own motion, the power to give directions under paragraph (2) shall apply.

(11) Directions of the justices' clerk or a court which are still in force immediately prior to the transfer of relevant proceedings to another court shall continue to apply following the transfer, subject to any changes of terminology which are required to apply those directions to the court to which the proceedings are transferred, unless varied or discharged by directions under paragraph (2).

(12) The justices' clerk or the court shall take a note of the giving, variation or revocation of a direction under this rule and serve, as soon as practicable, a copy of the note on any party who was not present at the giving, variation or revocation.