
STATUTORY INSTRUMENTS

2005 No. 2795

The Family Procedure (Adoption) Rules 2005

PART 1

OVERRIDING OBJECTIVE

The overriding objective

1.—(1) These Rules are a new procedural code with the overriding objective of enabling the court to deal with cases justly, having regard to the welfare issues involved.

(2) Dealing with a case justly includes, so far as is practicable—

- (a) ensuring that it is dealt with expeditiously and fairly;
- (b) dealing with the case in ways which are proportionate to the nature, importance and complexity of the issues;
- (c) ensuring that the parties are on an equal footing;
- (d) saving expense; and
- (e) allotting to it an appropriate share of the court's resources, while taking into account the need to allot resources to other cases.

Application by the court of the overriding objective

2. The court must seek to give effect to the overriding objective when it—

- (a) exercises any power given to it by these Rules; or
- (b) interprets any rule.

Duty of the parties

3. The parties are required to help the court to further the overriding objective.

Court's duty to manage cases

4.—(1) The court must further the overriding objective by actively managing cases.

(2) Active case management includes—

- (a) encouraging the parties to co-operate with each other in the conduct of the proceedings;
- (b) identifying at an early stage—
 - (i) the issues; and
 - (ii) who should be a party to the proceedings;
- (c) deciding promptly—
 - (i) which issues need full investigation and hearing and which do not; and
 - (ii) the procedure to be followed in the case;

- (d) deciding the order in which issues are to be resolved;
- (e) encouraging the parties to use an alternative dispute resolution procedure if the court considers that appropriate and facilitating the use of such procedure;
- (f) helping the parties to settle the whole or part of the case;
- (g) fixing timetables or otherwise controlling the progress of the case;
- (h) considering whether the likely benefits of taking a particular step justify the cost of taking it;
- (i) dealing with as many aspects of the case as it can on the same occasion;
- (j) dealing with the case without the parties needing to attend at court;
- (k) making use of technology; and
- (l) giving directions to ensure that the case proceeds quickly and efficiently.