

**2007 No. 1610 (L. 8)**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Family Proceedings Courts (Constitution of Committees  
and Right to Preside) Rules 2007**

<i>Made</i> - - - -	<i>13th June 2007</i>
<i>Laid before Parliament</i>	<i>19th June 2007</i>
<i>Coming into force</i> - -	<i>13th July 2007</i>

The Lord Chief Justice makes the following Rules, in exercise of the powers conferred on him by:

sections 18(6) and (7) and 19(1) and (2) of the Courts Act 2003(a), and after consultation with the Lord Chancellor, the Criminal Procedure Rule Committee, the Family Procedure Rule Committee and the Magistrates' Courts Rule Committee in accordance with section 20(2) of that Act (b); and

section 67(4) of the Magistrates' Court Act 1980(c) after consultation with the Lord Chancellor and after consultation with the Family Procedure Rule Committee in accordance with section 67(6) of that Act:

**Citation and commencement**

1. These Rules may be cited as the Family Proceedings Courts (Constitution of Committees and Right to Preside) Rules 2007 and shall come into force on 13th July 2007.

**Interpretation**

2. In these Rules—

“the 2007 Rules” means the Justices of the Peace (Training Development and Committee) Rules 2007(d);

“BTDC” means the Bench Training and Development Committee established in accordance with the 2007 Rules;

“District Judge (Magistrates' Courts)” means a District Judge (Magistrates' Courts) appointed under section 22 of the Courts Act 2003 or a Deputy District Judge (Magistrates' Courts) appointed under section 24 of that Act(e);

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(a) 2003 c.39; section 19 was amended by the Constitutional Reform Act 2005 (c.4), Schedule 4, Part I, paragraphs 308 and 320.  
(b) section 20 was amended by the Constitutional Reform Act 2005, Schedule 4, Part I, paragraphs 308 and 321.  
(c) 1980 c.43; section 67 was substituted by the Courts Act 2003, section 49(1) and amended by the Constitutional Reform Act 2005 Schedule 4, Part I, paragraphs 99 and 101.  
(d) S.I. 2007/1609  
(e) section 22 was amended by the Constitutional Reform Act 2005 (c.4), Schedule 4, Part 1, paragraphs 308 and 323 and section 24 was amended by that Act, Schedule 4, Part I, paragraphs 308 and 324.

“family election meeting” means the meeting held by the family panel between 1st September and 30th November each year in accordance with rule 4.

“family justice” means a justice authorised to sit as a member of a family proceedings court;

“FTDC” means the Family Training and Development Committee established in accordance with the 2007 Rules;

“Greater London area” means the local justice areas covering the London Boroughs listed in Part I of Schedule I to the 2007 Rules;

“justice” means a lay justice and, in relation to a local justice area, means a justice assigned to that area;

“justices’ clerk”, in relation to a local justice area means a justices’ clerk assigned to that area and includes any person acting as such; and

“outgoing panel” means—

- (a) in relation to the Greater London area, the family panel for Greater London established in accordance with the Family Proceedings Courts (Constitution) (Greater London) Rules 2003(a); and
- (b) in any other case, the family panel formed for a local justice area in accordance with the Family Proceedings Courts (Constitution) Rules 1991(b).

### **Formation of Family Panels**

3.—(1) Subject to rule 5, there shall be a Committee, to be known as a family panel, for each local justice area.

(2) Subject to paragraph (3), the family panel shall consist of the family justices for the local justice area to which the family panel relates.

(3) A District Judge (Magistrates’ Courts) who has been nominated by the Lord Chief Justice to hear family proceedings shall be a member of the family panel for a local justice area in which he is usually nominated to sit as a justice of the peace, except where that local justice area is within the Greater London area.

### **Meetings of Family Panels**

4.—(1) A family panel shall meet as often as necessary but not less than twice a year.

(2) One of the meetings of the family panel, to be known as the family election meeting, shall take place between the 1st September and 30th November each year.

### **Combined Family Panels**

5.—(1) Where, immediately before 13th July 2007, two or more outgoing panels had formed a combined panel, there shall be a combined family panel for the local justice areas covered by the combined outgoing panel.

(2) There shall be a combined family panel for the Greater London area.

(3) The Lord Chief Justice may, on the application of the family panels concerned and after consultation with the Area Director, give approval for—

- (a) the formation of a combined family panel in respect of two or more local justice areas; or
- (b) the dissolution of a combined family panel (including a combined family panel referred to in paragraph (1) or (2)).

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(a) S.I.2003/2960; as amended by S.I. 2005/617 and 2006/680.

(b) S.I. 1991/1405; as amended by S.I. 2000/1873 and 1920, 2003/3367, 2005/617 and 2006/680.

### **Chairman and deputy chairmen of Family Panels**

6.—(1) A person who, immediately before 13th July 2007, held office as a chairman of an outgoing panel or a combined outgoing panel shall hold office as chairman of the family panel for the corresponding local justice area or areas for a term beginning on 13th July 2007 and ending on 31st December 2007.

(2) The members of each family panel shall elect, by secret ballot, a chairman and one or more deputy chairmen in accordance with this rule, to hold office for a term of one year from the 1st January following the date of appointment.

(3) The members of the family panel shall elect the chairman and one or more deputy chairmen to hold office from 1st January 2008—

- (a) at the family election meeting in 2007; or
- (b) in the case of the combined family panel for the Greater London area, by postal ballot conducted prior to the family election meeting.

(4) At the family election meeting in 2007 and each subsequent family election meeting the members of the family panel shall decide—

- (a) whether the election in the following year shall take place—
  - (i) at the family election meeting; or
  - (ii) by postal ballot to be conducted prior to the family election meeting; and
- (b) if appropriate, the method of conducting a postal ballot.

(5) Nominations for the chairman and one or more deputy chairmen may be made by the members of the family panel to the justices' clerk.

(6) If a vacancy occurs in the chairmanship or deputy chairmanship, the members of the family panel shall, as soon as practicable, elect by secret ballot a chairman or, as the case may be, deputy chairman, to hold office for the remainder of the period for which the person replaced would have served.

### **Eligibility for re-election of chairman or deputy chairman**

7.—(1) In this rule—

- (a) “previous chairman” means a family justice who has held office as chairman of a family panel established under these Rules or of an outgoing panel or combined outgoing panel; and
- (b) references, however phrased, to periods of office shall include periods of office held as chairman or deputy chairman, as the case may be, of an outgoing panel or combined outgoing panel.

(2) A previous chairman shall not be eligible for re-election as chairman if, on 1st January after the election, he will have held such office for periods totalling more than two years unless at least six years have elapsed since he last held office.

(3) In any event a previous chairman shall not be eligible for re-election as chairman if, on the 1st January after the election, he will have held office for periods totalling more than five years.

(4) A family justice who has held office as deputy chairman of a family panel established under these Rules, or of an outgoing panel or combined outgoing panel, shall not be eligible for re-election as deputy chairman if on 1st January after the election he will have held such office for periods totalling more than five years.

### **Conduct of ballots**

8.—(1) Where there is an equality of votes between any candidates in a ballot and the addition of a vote would entitle one of them to be elected the justices' clerk for the local justice area shall decide between the candidates by lot.

(2) Where a ballot paper is returned unmarked or marked in such a manner that there is a doubt as to the identity of the justice or justices for whom the vote is cast the ballot paper or the vote, as the case may be, shall be rejected when the votes are counted.

### **Functions of Family Panels**

9. A family panel shall—

- (a) make recommendations to the FTDC, or if there is no FTDC, the BTDC for its local justice area, in relation to the number of new justices required to sit and preside in family proceedings courts; and
- (b) liaise with other bodies in order to share information and represent the views of family justices.

### **Chairmanship of Family Proceedings Courts**

10.—(1) A family court, other than one consisting of a District Judge (Magistrates' Courts) sitting alone, shall sit under the chairmanship of—

- (a) a District Judge (Magistrates' Courts) if he is sitting as a member of the court; or
- (b) a family justice who is on a list of approved family court chairmen.

(2) A family justice may preside before he has been included on a list of approved family court chairmen only if—

- (a) he is under the supervision of a family justice who is on the list of approved family court chairmen; and
- (b) he has completed the training courses required by rule 31 of the 2007 Rules.

(3) In this rule “list of approved family court chairmen” means a list kept by a FTDC or, where there is no FTDC, a BTDC in accordance with rules 32 and 35 of the 2007 Rules.

### **Absence of family justice entitled to preside**

11.—(1) The family justices present may appoint one of their number to preside in a family proceedings court to deal with any case in the absence of a justice entitled to preside under rule 10 if—

- (a) before making such appointment the family justices present are satisfied as to the suitability for this purpose of the justice proposed; and
- (b) except as mentioned in paragraph (2), the justice proposed has completed or is undergoing a chairman training course in accordance with rule 31(d) of the 2007 Rules.

(2) The condition in paragraph (1)(b) does not apply if by reason of illness, circumstances unforeseen when the family justices to sit were chosen or other emergency no justice who complies with that condition is present.

### **Revocations**

12. The Family Proceedings Courts (Constitution) Rules 1991 and the Family Proceedings Courts (Constitution) (Greater London) Rules 2003 are hereby revoked.

*Phillips of Worth Matravers, C.J.*

13th June 2007

## **EXPLANATORY NOTE**

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

These Rules provide for the formation of a Committee, to be known as a family panel, for each local justice area. The family panel shall consist of the family justices for the local justice area and any Designated Judge (Magistrates' Courts) who is nominated to hear family proceedings and who acts a justice of the peace in the local justice area concerned. The family panel will advise the appropriate body in relation to the number of justices required to sit and preside in family proceedings courts in its local justice area and will liaise with other bodies to share information and represent the views of family justices. The Rules make provision for there to be combined family panels.

The Rules also make provision for the chairmanship of family proceedings courts.

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