
STATUTORY INSTRUMENTS

2009 No. 858

**The Family Proceedings Courts
(Miscellaneous Amendments) Rules 2009**

Amendments to the Family Proceedings Courts (Children Act 1989) Rules 1991

5. After rule 16, insert—

“Restrictions on presence of persons at directions appointment and hearing

16A.—(1) No person shall be present at any directions appointment or hearing in relevant proceedings other than—

- (a) an officer of the court;
- (b) a party to the proceedings;
- (c) a litigation friend for any party, or legal representative instructed to act on that party’s behalf;
- (d) an officer of the service or Welsh family proceedings officer;
- (e) a witness;
- (f) duly accredited representatives of news gathering and reporting organisations; and
- (g) any other person whom the court permits to be present.

(2) Paragraph (1) does not entitle persons within paragraph (1)(f) to be present at any hearing conducted for the purpose of judicially assisted conciliation or negotiation.

(3) At any stage of the proceedings the court may direct that persons within paragraph (1)(f) shall not attend the proceedings or any part of them, where satisfied that—

- (a) this is necessary—
 - (i) in the interests of any child concerned in or connected with the proceedings;
 - (ii) for the safety or protection of a party, a witness in the proceedings, or a person connected with such a party or witness; or
 - (iii) for the orderly conduct of the proceedings; or
- (b) justice will otherwise be impeded or prejudiced.

(4) The court may exercise the power in paragraph (3) of its own motion or pursuant to representations made by any of the persons listed in paragraph (5), and in either case having given to any person within paragraph (1)(f) who is in attendance an opportunity to make representations.

(5) At any stage of the proceedings, the following persons may make representations to the court regarding restricting the attendance of persons within paragraph (1)(f) in accordance with paragraph (3)—

- (a) a party to the proceedings;
- (b) any witness in the proceedings;

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- (c) where appointed, any children’s guardian;
- (d) where appointed, an officer of the service or Welsh family proceedings officer, on behalf of the child the subject of proceedings;
- (e) the child, if of sufficient age and understanding.

(6) This rule does not affect any power of the court to direct that witnesses shall be excluded until they are called for examination.

(7) In this rule, “duly accredited” refers to accreditation in accordance with any administrative scheme for the time being approved for the purposes of this rule by the Lord Chancellor.”.