
EXPLANATORY NOTE

(This note is not part of the Order)

These rules provide a new code of procedure for family proceedings in the High Court, county courts and magistrates' courts, and replace existing rules of court for family proceedings. The principal rules being replaced are the Family Proceedings Rules 1991, the Family Procedure (Adoption) Rules 2005 and, in so far as they relate to family proceedings, the Family Proceedings Courts (Children Act 1989) Rules 1991, the Family Proceedings (Matrimonial Proceedings etc) Rules 1991, and rules relating to the reciprocal enforcement of maintenance orders, in particular the Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) Rules 1974.

The rules adopt a similar structure to the Civil Procedure Rules 1998. The introductory Parts provide for fundamental matters of general application and various preliminary matters, opening in Part 1 with the overriding objective of the rules, to enable the court to deal with cases justly, having regard to any welfare issues involved. Part 2 contains the provisions for interpreting and applying the rules including provision about the delegation of certain functions of a magistrates' court to a single justice. Part 3 contains the court's powers to encourage the use of alternative dispute resolution; Part 4 contains provision for case management powers; Part 5 provides for the forms which are to be used in family proceedings and how family proceedings are started; and Part 6 makes provision for service of documents in family proceedings (including service abroad).

The rules then make provision for procedure for the key types of family proceedings in separate Parts as follows—

- Part 7 (Procedure for applications in matrimonial and civil partnership proceedings);
- Part 8 (Procedure for miscellaneous applications such as applications for a gender recognition certificate, declarations and orders preventing avoidance under section 32L of the Child Support Act 1991(c.48));
- Part 9 (Applications for a financial remedy);
- Part 10 (Applications under Part 4 of the Family Law Act 1996 (c.27) (domestic violence));
- Part 11 (Applications under Part 4A of the Family Law Act 1996 (forced marriage));
- Part 12 (Proceedings relating to children, except parental order proceedings and proceedings for applications in adoption, placement and related proceedings);
- Part 13 (Proceedings under section 54 of the Human Fertilisation and Embryology Act 2008(c.22) (parental orders)); and
- Part 14 (Adoption, placement and related proceedings).

Parts 15 and 16 contain rules relating to representation of protected parties and children respectively, and Part 17 for when statements of truth are required to verify documents. Part 18 relates to the procedure for other applications in proceedings which, for example, will be used for applications for the court's permission to bring proceedings and Part 19 to the alternative procedure for applications which will be used for matters such as proceedings for an order to prevent disclosure of information to an adopted person under section 60(3) of the Adoption and Children Act 2002(c.38).

The remaining Parts of the rules are of general application and contain procedural provisions mirroring, with modifications for family proceedings, the general procedural parts of the Civil Procedure Rules 1998, as follows—

- Part 20 makes provision for applications for interim injunctions;

Status: This is the original version (as it was originally made).

- Part 21 contains miscellaneous rules about disclosure and inspection of documents;
- Parts 22 to 24 contain rules about evidence;
- Part 25 deals with experts and assessors;
- Part 26 deals with change of solicitor;
- Part 27 relates to hearings and directions appointments and includes provision relating to the giving of reasons in a magistrates' court;
- Part 28 relates to costs across all three levels of court;
- Part 29 contains miscellaneous provisions including provision for protection of personal details in proceedings and provision for Human Rights Act 1998 (c.42) questions being raised in family proceedings;
- Part 30 deals with appeals;
- Parts 31 and 32 deal with registration and enforcement of foreign or Scottish or Northern Irish orders of different sorts, and Part 34 with reciprocal enforcement of maintenance orders;
- Part 33 provides for enforcement generally;
- Part 35 relates to the Mediation Directive; and
- Part 36 contains transitional provisions.

Detailed supplementary provisions supporting many parts of the rules such as the transitional provisions in Part 36 and appeals in Part 30 are, where indicated in the rules, contained in practice directions, which do not form part of the rules.