
STATUTORY INSTRUMENTS

2013 No. 3204

The Family Procedure (Amendment No.3) Rules 2013

Amendments to the Family Procedure Rules 2010

74. After rule 29.16, insert—

“Transfer of proceedings

29.17.—(1) Subject to paragraph (3), a court may transfer a case to another court, either of its own initiative or on the application of one of the parties if—

- (a) the parties consent to the transfer;
 - (b) the court has held a hearing to determine whether a transfer should be ordered; or
 - (c) paragraph (2) applies.
- (2) A court may transfer a case without a hearing if—
- (a) the court has notified the parties in writing that it intends to order a transfer; and
 - (b) no party has, within 14 days of the notification being sent, requested a hearing to determine whether a transfer should be ordered.
- (3) A case may not be transferred from the family court to the High Court unless—
- (a) the decision to transfer was made by a judge sitting in the family court who is a person to whom paragraph (4) applies; or
 - (b) one or more of the circumstances specified in Practice Direction 29C applies.
- (4) This paragraph applies to a person who is—
- (a) the President of the Family Division;
 - (b) an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court);
 - (c) a puisne judge of the High Court.

Application for change of area

29.18. The Part 18 procedure applies to an application to the family court for existing proceedings to be heard in a different Designated Family Judge area.

(Her Majesty’s Courts and Tribunals Service publishes information to enable Designated Family Judge areas to be identified.)”.