

2014 No. 841 (L. 14)

FAMILY COURT, ENGLAND AND WALES

The Justices' Clerks and Assistants (Amendment) Rules 2014

Made - - - - - *31st March 2014*

Laid before Parliament *1st April 2014*

Coming into force in accordance with rule 1

The Lord Chancellor makes the following Rules in exercise of the power conferred by sections 31O(1) and 31P(1) of the Matrimonial and Family Proceedings Act 1984(a), with the agreement of the President of the Family Division as the judicial office holder nominated by the Lord Chief Justice under section 31O(8) of that Act.

Before making these Rules, the Lord Chancellor has consulted the Family Procedure Rule Committee in accordance with section 31O(1) of that Act.

Citation and commencement

1. These Rules may be cited as the Justices' Clerks and Assistants (Amendment) Rules 2014 and come into force on 22nd April 2014.

Amendments to the Justices' Clerks and Assistants Rules 2014

2. The Justices' Clerks and Assistants Rules 2014(b) are amended in accordance with rule 3.

3. For the table in the Schedule, substitute the table in the Schedule to these Rules.

Signed by the authority of the Lord Chancellor

31st March 2014

Simon Hughes
Minister of State
Ministry of Justice

SCHEDULE

Rule 3

FPR(c) rule 3.3	
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(a) 1984 c.42. Sections 31O and 31P were inserted by the Crime and Courts Act 2013 (c.22), Schedule 10, paragraph 1 (which, together with section 17(3) of that Act, establish the family court in England and Wales).
(b) S.I. 2014/603.
(c) Family Procedure Rules 2010, S.I. 2010/2955. There are relevant amendments in S.I. 2014/667 and S.I. 2014/843.

FPR rule 3.4	
FPR rule 3.10	
FPR rule 4.1(3)(a)	Except any extensions in public law proceedings that would have the effect that disposal of the application would occur later than the end of twenty-six weeks beginning with the day on which the application was issued.
FPR rule 4.1(3)(b), (c), (d), (f), (h), (j), (k), (n), (o)	
FPR rule 4.3(2)	
FPR rule 4.3(5)	
FPR rule 4.7(a) and (b)	
FPR rule 6.24(2)	
FPR rule 6.26(5)	
FPR rule 6.32	
FPR rule 6.36	
MCA, section 1(3)	Only in undefended cases
MCA, sections 1(4) and 1(5)	Only in undefended cases, and only the making “absolute” of decrees of divorce
MCA, section 6(2)	Only where the parties consent to the adjournment
MCA, sections 10A(2) and (3)	Only in an application under section 10A(2) to which the other party consents
MCA, section 17(2)	Only in undefended cases
CPA, section 37(1)(a) and (d)	Only in undefended cases, and only the making “final” of such orders
CPA, section 42(3)	Only where the parties consent to the adjournment
CPA, sections 44(2) and (4)	Only in undefended cases
FPR rule 7.14(1)	Only if the parties consent to the court giving such permission
FPR rule 7.20(2)	
FPR rule 7.20(3)	
FPR rule 7.20(5)	
FPR rule 7.30(1)(d)(ii) and (3)	Only where the application under section 10A(2) was made on consent
FPR 7.32(2)	
FPR rule 8.20(4)	Only where the parties consent to the person being made a respondent and where the person is not a child
FPR rule 9.18	
FPR rule 9.20	
FPR rule 9.26	
FPR rule 10.3(1)	
FPR rule 10.6(2)	
FPR rule 10.7	
FPR rule 12.3(2)	Only where the parties consent to the person being made a respondent and where the person is not a child
FPR rule 12.3(3)	Only where the parties consent to the person being made a respondent and where the person is not a child
FPR rule 12.3(4)	Only where otherwise authorised to add or remove the person as a party
FPR rule 12.4(5)	Only where the parties consent to the person being made a respondent and where the person is not a child

FPR rule 12.5(1)	
Children Act 1989(a), section 32(1)	
Children Act 1989, section 32(4)	Except that the carrying out of such function must not have the direct or indirect effect of extending the timetable for the proceedings with the effect that the disposal of the application would occur later than the end of twenty-six weeks beginning with the day on which the application was issued
FPR rule 12.5(2)	Except at an Issues Resolution Hearing for which Practice Direction 12A makes provision, and except the carrying out of any function that has the direct or indirect effect of extending the timetable for the proceedings with the effect that the disposal of the application would occur later than the end of twenty-six weeks beginning with the day on which the application was issued
FPR rule 12.6(a)-(c)	
Children Act 1989, section 7(1) and FPR rule 12.6(d)	
FPR rule 12.12	Except at an Issues Resolution Hearing for which Practice Direction 12A makes provision, and except any direction in public law proceedings that has the direct or indirect effect of extending the timetable for the proceedings with the effect that the disposal of the application would occur later than the end of twenty-six weeks beginning with the day on which the application was issued
FPR rule 12.13	Except that in any public law proceedings, the carrying out of such function must not have the direct or indirect effect of extending the timetable for the proceedings with the effect that the disposal of the application would occur later than the end of twenty-six weeks beginning with the day on which the application was issued
FPR rule 12.14(3) and (4)	
FPR rule 12.15	Except any direction in a public law proceeding that has the direct or indirect effect of extending the timetable for the proceedings with the effect that the disposal of the application would occur later than the end of twenty-six weeks beginning with the day on which the application was issued
FPR rule 12.16(6)	
FPR rule 12.16(7)	
FPR rule 12.19(2) and (3)	
FPR rule 12.21(1)	
FPR rule 12.22	
FPR rule 12.73(1)(b)	
Practice Direction 12G, paragraph 1.2	
Practice Direction 12J, paragraph 6, first three bullet points only	
Practice Direction 12J, paragraph 8	

(a) 1989 c.41; section 32 was amended by the Children and Families Act 2014 (c.6), section 14.

Practice Direction 12J, paragraph 15	
Practice Direction 12J, paragraph 21	
FPR rule 12.24	
FPR rule 12.25(1), (2) and (5)	
FPR rule 12.26	
FPR rule 12.29	
FPR rule 12.30	
Children Act 1989, section 41	
Children Act 1989, sections 10(1) and (2)	<p>Only where—</p> <p>(a) a previous such order has been made in the same proceedings;</p> <p>(b) the terms of the order sought are the same as those of the last such order made;</p> <p>(c) the order is an order in the course of proceedings and does not dispose finally of the proceedings; and</p> <p>(d) a written request for such an order has been made and—</p> <p>(i) the other parties and any children’s guardian consent to the request and they or their legal representatives have signed the request; or</p> <p>(ii) at least one of the other parties and any children’s guardian consent to the request and they or their legal representatives have signed the request, and the remaining parties have not indicated that they either consent to or oppose the making of the order.</p>
Children Act 1989, section 38(1)	<p>Only where—</p> <p>(a) a previous such order has been made in the same proceedings;</p> <p>(b) the terms of the order sought are the same as those of the last such order made; and</p> <p>(c) a written request for such an order has been made and—</p> <p>(i) the other parties and any children’s guardian consent to the request and they or their legal representatives have signed the request; or</p> <p>(ii) at least one of the other parties and any children’s guardian consent to the request and they or their legal representatives have signed the request, and the remaining parties have not indicated that they either consent to or oppose the making of the order.</p>
FPR rule 12.31	
FPR rule 13.3(3)	
FPR rule 13.3(4)	
FPR rule 13.3(5)	
FPR rule 13.5	
FPR rule 13.8	
FPR rule 13.9(1)	Except 13.9(1)(e) and (f)
FPR rule 13.9(3)	
FPR rule 13.9(6)	
FPR rule 13.9(8)	
FPR rule 13.9(9)	
FPR rule 13.11(1)	
FPR rule 13.14	
FPR rule 13.16	
FPR rule 13.17	
FPR rule 13.21(1)	
FPR rule 13.21(4)	

FPR rule 13.22(4)	
FPR rule 14.2(3)	Only where the applicant consents to the removal
FPR rule 14.3(2)	Only where the parties consent to the child being made a respondent
FPR rule 14.3(3)	Only where the parties consent to the person or body being made a respondent or to a party being removed, as the case may be, and only where the person being made a respondent or being removed as a party is not a child
FPR rule 14.3(4)	Only where such directions are consequential on directions made under FPR rule 14.3(2) or (3)
FPR rule 14.5(2)(b) and (3)	
FPR rule 14.6(1)	
FPR rule 14.6(2)(a)	
FPR rule 14.6(2)(b)	
FPR rule 14.6(3)(b)	
FPR rule 14.6(4)	
FPR rule 14.7	
Adoption and Children Act 2002(a), section 51B(3)	
FPR rule 14.8(1)	Except 14.8(1)(d)
FPR rule 14.8(4)	
FPR rule 14.8(6)	
FPR rule 14.8(7)	
FPR rule 14.9(4)(b)	
FPR rule 14.10(2)	
FPR rule 14.14	
FPR rule 14.16(4) and (7)	
FPR rule 14.18	
FPR rule 14.20	
FPR rule 14.26(1)	
FPR rule 14.27(2)	
Practice Direction 14E, paragraph 1.2	
FPR rule 15.6(3)	
FPR rule 15.6(5)	
FPR rule 15.8(1)(b)	
FPR rule 15.9	
Practice Direction 15B	
FPR rule 16.3(1)	
FPR rule 16.3(2), (3) and (4)	Only in relation to specified proceedings as defined in the Children Act 1989, section 41(6)
FPR rule 16.4	
FPR rule 16.11(3)	
FPR rule 16.11(5) and (6)	
FPR rule 16.21	

(a) 2002 c.38. Section 51B was inserted by the Children and Families Act 2014 (c.6), section 9.

FPR rule 16.24	
FPR rule 16.30	
FPR rule 16.33	
FPR rule 16.34	
FPR rule 17.3(2)	
FPR rule 17.4	
FPR rule 17.5	
FPR rule 18.3(1)(c)	Only where the parties consent to the person being made a respondent and where the person being made a respondent is not a child
FPR rule 18.4(2)(b)	
FPR rule 18.5(2)(c)	
FPR rule 18.8(4)	
FPR rule 18.9(1)	Only where authorised by these Rules to deal with the application with a hearing
Practice Direction 18A, paragraph 8.1	
Practice Direction 18A, paragraph 10.1	
Practice Direction 18A, paragraph 11.2	
FPR rule 19.1(3)	
FPR rule 19.4(4)	
FPR rule 19.6(2)	
FPR rule 19.8(1)(b)	
FPR rule 19.8(3)	
FPR rule 19.9(2)	
Practice Direction 19A, paragraphs 4.1 and 4.4	
FPR rule 21.2(3)	Only where the parties consent to the application for disclosure
Practice Direction 21A, paragraph 2.4	
FPR rule 22.1(1)	
FPR rule 22.3	
FPR rule 22.5	
FPR rule 22.7(1)	
FPR rule 22.9	
FPR rule 22.10	
Practice Direction 22A, paragraph 5.3	
FPR rule 23.4(1)	
FPR rule 23.6(8)	
The Act, section 31G(2)	
FPR rule 23.9	
FPR rule 24.3	
FPR rule 24.4(2)	
FPR rule 24.7	
FPR rule 24.8	
FPR rule 24.9	
FPR rule 24.10	
FPR rule 24.11(3)	

FPR rule 24.13	
Children and Families Act 2014, section 13	
FPR rule 25.4	
FPR rule 25.8	
FPR rule 25.9	
FPR rule 25.10(2)	
FPR rule 25.10(3)	
FPR rule 25.10(4)	
FPR rule 25.11	
FPR rule 25.12	
FPR rule 25.13	
FPR rule 25.16	
FPR rule 25.17	
FPR rule 25.18	
FPR rule 25.19	
Practice Direction 25A, paragraph 2.1	
Practice Direction 25B, paragraphs 10.1 and 10.2	
Practice Direction 25E, paragraph 4.1	
FPR rule 26.3	
FPR rule 26.4	
FPR rule 27.3	
FPR rule 27.4	
FPR rule 27.7	
FPR rule 29.1	
FPR rule 29.4	
FPR rule 29.11	
FPR rule 29.14	
FPR rule 29.15	Only where the order in question is one which the justices' clerk or assistant justices' clerk made
FPR rule 29.16	Only where the order in question is one which a justices' clerk or assistant justices' clerk made
FPR rule 29.19(5)	
FPR rule 37.9(3)	
The Family Court (Composition and Distribution of Business) Rules 2014(a), rule 20	

(a) S.I. 2014/840

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Justices' Clerks and Assistants Rules 2014 by replacing the table in the Schedule in those Rules, which lists the functions of the new single family court or of a judge of the court which those Rules authorise justices' clerks and assistants to justices' clerks to carry out.

These Rules are made as part of the establishment of the single family court (provision for which is made in section 17 of, and Schedules 10 and 11 to, the Crime and Courts Act 2013 (c.22)), and the amendments are made principally in consequence of the Children and Families Act 2014 (c.6) and related statutory instruments giving effect to that Act, in particular in relation to the time limit for conduct of public law proceedings involving children.

An impact assessment for these Rules is annexed to the Explanatory Memorandum, which is available alongside these Rules at www.legislation.gov.uk.

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