
STATUTORY INSTRUMENTS

2003 No. 184

The Family Proceedings (Amendment) Rules 2003

Amendments to the Family Proceedings Rules 1991

16. After rule 10.26 insert—

“Costs

10.27

(1) Order 38 of the County Court Rules 1981(1) and Order 62 of the Rules of the Supreme Court 1965(2) shall not apply to costs in family proceedings, and CPR Parts 43, 44 (except rules 44.9 to 44.12), 47 and 48(3) shall apply to costs in those proceedings, with the following modifications—

- (a) in CPR rule 43.2(1)(c)(ii), “district judge” includes a district judge of the Principal Registry of the Family Division;
- (b) CPR rule 44.3(2) (costs follow the event) shall not apply.

(2) Except in the case of an appeal against a decision of an authorised court officer (to which CPR rules 47.20 to 47.23 apply), an appeal against a decision in assessment proceedings relating to costs in family proceedings shall be dealt with in accordance with the following paragraphs of this rule.

(3) An appeal within paragraph (2) above shall lie as follows—

- (a) where the decision appealed against was made by a district judge of the High Court or a costs judge (as defined by CPR rule 43.2(1)(b)), to a judge of the High Court;
- (b) where the decision appealed against was made by a district judge of a county court, to a judge of that court.

(4) CPR Part 52 applies to every appeal within paragraph (2) above, and any reference in CPR Part 52 to a judge or a district judge shall be taken to include a district judge of the Principal Registry of the Family Division.

(5) The Civil Procedure Rules 1998 shall apply to an appeal to which CPR Part 52 or CPR rules 47.20 to 47.23 apply in accordance with paragraph (2) above in the same way as they apply to any other appeal within CPR Part 52 or CPR rules 47.20 to 47.23 as the case may be; accordingly the Rules of the Supreme Court 1965 and the County Court Rules 1981 shall not apply to any such appeal.”

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- (1) S.I.1981/1687, frequently amended. The County Court Rules were revoked and replaced by the Civil Procedure Rules 1998 (S.I. 1998/3132), but rule 1.3 of the Family Proceedings Rules 1991 provides that those Rules as they were in force immediately before 26th April 1999 shall continue to apply with any necessary modifications to family proceedings in a county court.
 - (2) S.I. 1965/1776, frequently amended. The Rules of the Supreme Court were revoked and replaced by the Civil Procedure Rules 1998 (S.I. 1998/3132), but rule 1.3 of the Family Proceedings Rules 1991 provides that those Rules as they were in force immediately before 26th April 1999 shall continue to apply with any necessary modifications to family proceedings in the High Court.
 - (3) The reference is to the Civil Procedure Rules 1998 (S.I. 1998/3132 as amended by S.I. 1999/1008, 2000/221, 940, 1317 and 2092 and 2001/256, 1388 and 1769).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
