
STATUTORY INSTRUMENTS

2007 No. 1609

**The Justices of the Peace (Training and
Development Committee) Rules 2007**

Family Training and Development Committees

Formation and dissolution of a FTDC

13.—(1) The family panel for the Greater London area shall establish a FTDC for that area from 13th July 2007 and, in relation to that FTDC the provisions of Schedule 2 shall apply.

(2) The Lord Chief Justice may direct that a family panel outside the Greater London area establish a FTDC for the local justice area or areas to which that family panel relates.

(3) The Lord Chief Justice may give the direction referred to in paragraph (2)—

(a) of his own motion; or

(b) on the joint application of the family panel and all of the BTDCs for the local justice area or areas to which the family panel relates.

(4) Where the family panel establishing the FTDC is a combined family panel, the FTDC shall be a combined FTDC and rule 18(4) and (5) shall apply accordingly.

(5) The Lord Chief Justice may direct that a family panel outside the Greater London area dissolve a FTDC established by that family panel in accordance with paragraph (2).

Membership of a FTDC

14.—(1) The membership of the FTDC shall consist of six or nine family justices appointed in accordance with this rule.

(2) Except as mentioned in paragraph (5), the membership of the FTDC shall rotate by one third in each calendar year.

(3) Following the direction of the Lord Chief Justice referred to in rule 13(2), the family panel for the local justice area shall hold a meeting at which the family justices shall decide the number of members of the FTDC.

(4) At the meeting referred to in paragraph (3) and in the family election meeting of the following year and each subsequent family election meeting the family panel shall—

(a) elect the members of the FTDC or choose a panel of family justices who shall select the members of the FTDC; and

(b) decide the method of filling casual vacancies.

(5) Members of the FTDC appointed at the meeting referred to in paragraph (3) shall hold office for a term beginning on the date of appointment and consisting of the length of time between that date and 31st December in the year of appointment plus—

(a) one year, in the case of one third of the members;

(b) two years, in the case of one third of the members; and

(c) three years, in the case of the remaining one third of the members.

(6) Except as mentioned in paragraph (5), and in rules 15(2), 16(3), 18(6), 19(2) and 20(3) and (4), a member of the FTDC shall be appointed to hold office for a term of three years beginning on 1st January following his appointment.

(7) The FTDC shall hold a meeting as soon as practicable after—

- (a) the meeting of the family panel referred to in paragraph (3); and
- (b) 1st January each year.

(8) At that meeting the members shall, where paragraph (5), or rule 15(2), 18(6) or 19(2) applies, decide the length of their terms of office and if they are unable to agree, the length of their terms shall be determined by lot conducted by the justices' clerk.

(9) At that meeting the members of the FTDC shall appoint a chairman whose term of office shall expire on 31st December of each year.

(10) Subject to rule 16, the FTDC may re-appoint a chairman.

(11) The justices' clerk may attend the meetings of the FTDC but, except where he is required to act under paragraph (8), he may act in an advisory capacity only.

(12) A chairman of the justices elected under the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005(1) shall not be a member of the FTDC for the local justice area for which he was appointed.

Change of numbers of a FTDC

15.—(1) At a family election meeting the family justices may decide, subject to rule 14(1), to increase or reduce the number of members of the FTDC.

(2) If the family justices decide to increase or reduce the number of members of the FTDC in accordance with paragraph (1)—

- (a) all the existing members of the FTDC shall retire on 31st December of the calendar year in which the decision is made; and
- (b) members of the FTDC appointed in that year shall hold office from 1st January in the following year for the following periods—
 - (i) one year, in the case of one third of the members;
 - (ii) two years, in the case of one third of the members; and
 - (iii) three years, in the case of the remaining third of the members.

Limit on length of service as member of FTDC

16.—(1) A family justice may not serve as a member of a FTDC for more than a total of nine years.

(2) A member of the FTDC shall be eligible for reappointment if, at the end of his most recent term of office, he will have served as a member of the FTDC for a period or periods totalling less than nine years.

(3) If, on a date before the end of the period specified in rule 14(6) or (as the case may be) rules 15(2)(b), 18(6)(b) or 19(2)(b), a member will have served as a member of the FTDC for nine years that member's term of office shall end on that date.

Quorum of a FTDC meeting

17.—(1) Subject to paragraph (2), a FTDC meeting shall be quorate if there are three members at the meeting.

(2) If—

(a) a member leaves a meeting because he is the subject of discussion at the meeting; and

(b) by reason of his absence there are less than three members taking part in the discussion, the meeting shall be quorate in relation to that discussion.

Establishment of a combined FTDC

18.—(1) The Lord Chief Justice may—

(a) of his own motion; or

(b) on the application of two or more FTDCs,

direct that the family panels for two or more local justice areas establish a combined FTDC.

(2) Paragraph (3) applies where—

(a) two or more family panels form a combined family panel in accordance with the Family Proceedings Courts (Constitution of Committees and Right to Preside) Rules 2007; and

(b) one or more FTDCs exist in relation to the local justice areas to which the family panels relate.

(3) Where this paragraph applies—

(a) the FTDCs for the local justice areas to which the family panels relate; and

(b) the BTDCs, if any, for the local justice areas to which the family panels relate in relation to which there is no existing FTDC,

shall apply to the Lord Chief Justice for a direction that the family panels concerned establish a combined FTDC.

(4) The provisions of these Rules shall apply to a combined FTDC as they apply to a FTDC for a single local justice area subject to such modifications to rule 14(4) and 20(1) as are agreed by the family panels for the local justice areas concerned.

(5) The family panels for the local justice areas concerned shall, subject to rule 14(1), decide the number of members of a combined FTDC.

(6) If the family panels for two or more local justice areas establish a combined FTDC in accordance with paragraph (1)—

(a) the existing members of the FTDCs which are combined to make the combined FTDC shall retire at the end of the calendar year in which the decision is made; and

(b) members of the combined FTDC appointed in that year shall hold office from the 1st January in the following year for the following periods—

(i) one year, in the case of one third of the members;

(ii) two years, in the case of one third of the members; and

(iii) three years, in the case of the remaining third of the members.

Division of a combined FTDC

19.—(1) The Lord Chief Justice may—

(a) of his own motion; or

(b) on the application of the combined FTDC in question,

direct that the family panels for the local justice areas within a combined FTDC replace the combined FTDC with—

- (i) a single FTDC for each local justice area or areas to which a family panel relates;
 - (ii) more than one combined FTDC; or
 - (iii) a combination of single and combined FTDCs.
- (2) If the family panels for two or more local justice areas replace a combined FTDC as mentioned in paragraph (1)—
- (a) the existing members of the combined FTDC shall retire on 31st December of the calendar year in which the decision is made; and
 - (b) members of each single or combined FTDC appointed in that year shall hold office from the 1st January in the following year for the following periods—
 - (i) one year, in the case of one third of the members;
 - (ii) two years, in the case of one third of the members; and
 - (iii) three years, in the case of the remaining third of the members.

Casual vacancy

20.—(1) If a casual vacancy arises, it shall be filled as soon as practicable with the method of filling casual vacancies decided in accordance with rule 14(4)(b).

(2) If, but for rule 16(3), a member would have served for a longer term, a casual vacancy arises when that member's term of office ends.

(3) A member appointed to fill a casual vacancy described in paragraph (2) shall serve the remaining part of the period for which the member he is replacing would, but for rule 16(3), have served.

(4) A member appointed to fill a casual vacancy, other than one described in paragraph (2), shall serve for the remaining part of the period for which the member he is replacing was appointed.

(5) Any period served by a member filling a casual vacancy shall not count towards the period of nine years' service referred to in rule 16.

Functions of a FTDC

21.—(1) Each FTDC shall—

- (a) establish a scheme for appraising family justices;
- (b) identify the training needs of family justices and, no later than 30th September in each year, give the relevant MATC a report of those training needs;
- (c) arrange for family justices to attend the relevant training in accordance with rule 31;
- (d) establish, in consultation with the family panel, the Area Director and the justices' clerk, the number of family justices and approved family court chairmen needed for the local justice area; and
- (e) maintain a list of approved family court chairmen among the family justices assigned to its local justice area.

(2) In paragraph (1), the relevant MATC means the MATC for the MATC area in which the local justice area covered by the FTDC is located.

Appraisal of family justices

22.—(1) The FTDC shall establish a scheme to appraise the performance on the bench of the family justices, such as will enable it to—

- (a) determine their training and development needs;
- (b) report to the MATC on their training needs; and
- (c) maintain a list of approved family court chairmen in accordance with rules 32, 33 and 35.

(2) The FTDC shall select family justices to conduct appraisals (“the appraising family justices”) and it may also arrange for a family justice assigned to a different local justice area to conduct appraisals.

(3) The FTDC shall determine the intervals at which family justices are to be appraised, having regard to the requirements of rules 35 and 38(b).

(4) The FTDC shall establish a procedure for conducting appraisals, which shall include the following elements—

- (a) the notification that will be given to the family justice to be appraised (“the appraised family justice”);
- (b) a procedure for the appraising family justice to record his assessment and for notifying the appraised family justice and the FTDC of that assessment;
- (c) a procedure for enabling the appraised family justice to discuss the assessment with the appraising family justice and a procedure enabling the appraised family justice to challenge the assessment to a person other than the appraising family justice; and
- (d) the time limits for those procedures.

(5) The FTDC shall publish its scheme to the family justices.