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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These rules amend the Family Proceedings Courts (Children Act 1989) Rules 1991 (“the 1991 Rules”) and the Family Proceedings Courts (Child Support Act 1991) Rules 1993 (“the 1993 Rules”). The amendments to the 1991 Rules concern the attendance of persons, in particular representatives of the media, during proceedings relating to children, and the communication of information relating to such proceedings. The amendment to the 1993 Rules is consequential on those made to the 1991 Rules.

These rules give effect, for family proceedings in the magistrates’ courts, to policy changes arising out of the Ministry of Justice consultation *Confidence and confidentiality: openness in family courts – a new approach* (Cm 7131) and outlined in the response to consultation *Family Justice in View* (Cm 7502).

### Amendment of the 1991 Rules

Rule 5 inserts into the 1991 Rules a new rule 16A, which provides for who may be present during a hearing in “relevant proceedings” (which has the same meaning as in section 93(3) of the Children Act 1989). This in particular allows for duly accredited media representatives to be present, subject to a power for the court to direct their exclusion for all or a part of the proceedings for one of the reasons specified in paragraph (3) of the new rule.

Rule 6 inserts into the 1991 Rules a new Part IIC, which replaces rule 23A, dealing with the communication of information relating to proceedings relating to children. New rule 21Q defines the proceedings in relation to which the new rules apply, new rule 21Y provides for interpretation of terms used in the new rules, and new rules 21R to 21X provide for communication of information. New rule 21R lists when it is permissible for the purposes of the law relating to contempt of court to communicate information: communication is allowed as a general rule to parties and their legal representatives and certain associated officers and professionals; or in more specific instances where the court gives permission, or (subject to any direction of the court) in accordance with rules 21T to 21X. Paragraph (2) establishes that general publication, to the public at large or any section of the public, is not permitted by these rules. New rule 21S prohibits use of the rules so as to instruct an expert without the leave of the court and bars use without such leave of any evidence arising out of unauthorised instruction.

### Amendment of the 1993 Rules

Rule 9 makes a consequential amendment to a cross-reference in the 1993 Rules, reflecting the replacement in the 1991 Rules of rule 23A by the new Part IIC.