

**2013 No. 530 (L. 4)**

**FAMILY PROCEEDINGS**

**SENIOR COURTS OF ENGLAND AND WALES**

**COUNTY COURTS, ENGLAND AND WALES**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Family Procedure (Amendment) Rules 2013**

<i>Made</i>	- - - -	<i>7th March 2013</i>
<i>Laid before Parliament</i>		<i>11th March 2013</i>
<i>Coming into force</i>	- -	<i>1st April 2013</i>

The Family Procedure Rule Committee makes the following rules in exercise of the powers conferred by sections 75 and 76 of the Courts Act 2003(a), after consulting in accordance with section 79 of the Courts Act 2003(b):

**Citation and commencement**

1. These rules may be cited as the Family Procedure (Amendment) Rules 2013 and come into force on 1st April 2013.

**Amendments to the Family Procedure Rules 2010**

2. The Family Procedure Rules 2010(c) are amended in accordance with rules 3 to 5.

3. In rule 28.2—

(a) in paragraph (1)—

(i) for “Parts 43, 44 (except rules 44.3(2) and (3), 44.9 to 44.12C, 44.13(1A) and (1B) and 44.18 to 20), 47 and 48 and rule 46.6” substitute “Parts 44 (except rules 44.2(2) and (3) and 44.10(2) and (3)), 46 and 47 and rule 45.8”;

(ii) in sub-paragraph (a), for “43.2(1)(c)(ii)” substitute “44.1(1)(f)(ii)”; and

(iii) in sub-paragraph (b), for “48.7(1)” substitute “46.8(1)”, and

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(a) 2003 c.39. Section 75 was amended by sections 15(1) and 146 of and paragraphs 308 and 338 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c.4). Section 76 was amended by section 62(7) of the Children Act 2004, section 261(1) of and paragraph 172 of Schedule 27 to the Civil Partnership Act 2004 (c.33), section 12(2) of and paragraph 29 of Part 2 of Schedule 1 to the Constitutional Reform Act 2005 and section 25 of and paragraph 14 of Part 2 of Schedule 3 to the Children, Schools and Families Act 2010 (c.26).

(b) Section 79 was amended by sections 15(1) and 146 of and paragraphs 308 and 341(1) of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005.

(c) S.I.2010/2955.

(b) in paragraph (2), for “44.3C and 45.6” substitute “45.8 and 46.7”.

**4. In rule 28.3—**

(a) in paragraph (2), for “44.3” substitute “44.2”;

(b) in paragraph (3), for “Rule 44.3(6) to (9)” substitute “Rules 44.2(6) to (8) and 44.12”; and

(c) in paragraph (4)(a), for “43.2(1)(a)” substitute “44.1(1)(c)”.

**5. In rule 30.3—**

(a) in paragraph (5), for “Where” substitute “Subject to paragraph (5A), where”; and

(b) after paragraph (5), insert—

“(5A) Where a judge of the High Court or a Designated Family Judge refuses permission to appeal without a hearing and considers that the application is totally without merit, the judge may make an order that the person seeking permission may not request the decision to be reconsidered at a hearing.

(5B) Rule 4.3(5) will not apply to an order that the person seeking permission may not request the decision to be reconsidered at a hearing made under paragraph (5A).”.

*Timothy Becker  
Bruce Edgington  
Paul Carr  
Martyn Cook  
Mike Hinchliffe  
Ruth Lindley-Glover  
James Munby, P.  
David Salter  
Lucy Theis, J.  
Philip Waller  
John Wilson*

I allow these Rules  
Signed by authority of the Lord Chancellor

7th March 2013

*McNally*  
Minister of State  
Ministry of Justice

**EXPLANATORY NOTE**

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

These rules amend the Family Procedure Rules 2010 by—

- changing references to certain rules in the Civil Procedure Rules 1998(a) to reflect re-numbering of some of those rules;
- in Part 30 (appeals), giving High Court Judges and Designated Family Judges power when refusing permission to appeal without a hearing, where the application is considered to be totally without merit, to make an order that the person seeking permission may not request the decision to be reconsidered at a hearing.

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(a) S.I. 1998/3132. There have been numerous amendments, with the relevant Parts of the CPR consolidated, in amended form, in S.I. 2013/262.

A full impact assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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