

2024 No. 258 (L. 6)

FAMILY PROCEEDINGS

FAMILY COURT, ENGLAND AND WALES

**The Family Court (Composition and Distribution of Business)
(Amendment) Rules 2024**

<i>Made</i> - - - -	<i>27th February 2024</i>
<i>Laid before Parliament</i>	<i>4th March 2024</i>
<i>Coming into force</i> - -	<i>8th April 2024</i>

The President of the Family Division, as nominee of the Lady Chief Justice under paragraph 2(2)(b) of Part 1 of Schedule 1 to the Constitutional Reform Act 2005(a), makes the following Rules in exercise of the powers under section 31D(1) and (3) of the Matrimonial and Family Proceedings Act 1984(b).

These Rules are made after consultation with the Family Procedure Rule Committee in accordance with section 31D(5)(b) of the Matrimonial and Family Proceedings Act 1984, and with the agreement of the Lord Chancellor in accordance with paragraph 2(1) of Part 1 of Schedule 1 to the Constitutional Reform Act 2005.

Citation, commencement and extent

1.—(1) These Rules may be cited as the Family Court (Composition and Distribution of Business) (Amendment) Rules 2024.

(2) These Rules come into force on 8th April 2024.

(3) These Rules extend to England and Wales.

Amendment of the Family Court (Composition and Distribution of Business) Rules 2014

2.—(1) The Family Court (Composition and Distribution of Business) Rules 2014(c) are amended as follows.

(2) In rule 16 (allocation of emergency applications)—

(a) in paragraph (3)(a)—

(i) at the end of paragraph (xv), omit “or”;

(ii) at the end of paragraph (xvi), insert “or”; and

(iii) after paragraph (xvi), insert—

(a) 2005 c. 4.

(b) 1984 c. 42. Section 31D was inserted by paragraph 1 of Schedule 10 to the Crime and Courts Act 2013 (c. 22).

(c) S.I. 2014/840. Relevant amendments were made by S.I. 2014/3297, 2015/1421, 2018/1413 and 2021/505.

- “(xvii) Part 3 of the Domestic Abuse Act 2021 which are made without notice, except where the applicant is aged under 18;” and
- (b) in paragraph (5)—
- (i) at the end of sub-paragraph (e), for the full stop substitute a semi-colon; and
- (ii) after sub-paragraph (e), insert—
- “(f) Part 3 of the Domestic Abuse Act 2021 which are made without notice and where the applicant is aged under 18.”.
- (3) In Schedule 1 (allocation), in the first column (type of proceedings)—
- (a) in paragraph 1(h) after “parentage)” insert “, except where the application is made by a birth parent in respect of a child under the age of 18 following the lawful adoption of that child”; and
- (b) in paragraph 4—
- (i) in sub-paragraph (g) for “Regulation.” substitute “Regulation;”; and
- (ii) after sub-paragraph (g) insert—
- “(h) the Family Law Act 1986(a), section 55A (declarations of parentage) where the application is made by a birth parent in respect of a child under the age of 18 following the lawful adoption of that child.”.

Sir Andrew Mcfarlane
President of the Family Division

22nd February 2024

I agree

Bellamy
Parliamentary Under Secretary of State
Ministry of Justice

27th February 2024

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Court (Composition and Distribution of Business) Rules 2014 (S.I. 2014/840) (“the 2014 Rules”).

Rule 2(2) of these Rules amends the 2014 Rules to make provision in relation to the allocation in the family court of applications for Domestic Abuse Protection Orders under Part 3 of the Domestic Abuse Act 2021. Rule 2(2) adds without notice proceedings in relation to Domestic Abuse Protection Orders to the list of proceedings which may be allocated in accordance with rule 16 of the 2014 Rules.

Rule 2(3) amends Schedule 1 to the 2014 Rules to provide for the allocation, under rule 15 of the 2014 Rules, of an application for a declaration of parentage under section 55A of the Family Law Act 1986 to a judge of High Court Judge level in the family court, rather than to lay justices, in specified cases. The cases in question are those where the application is made by a birth parent in respect of a child under the age of 18 following the lawful adoption of that child.

(a) 1986 c. 55. Section 55A was inserted by section 83(2) of the Child Support, Pensions and Social Security Act 2000 (c. 19) and amended by paragraph 97 of Schedule 11 to the Crime and Courts Act 2013.

An impact assessment has not been published for these Rules as no significant impact on the private, voluntary or public sector is foreseen independent of the provisions of the Domestic Abuse Act 2021 to which elements of these Rules relate.

An impact assessment has been published in relation to the Domestic Abuse Act 2021 and copies can be obtained from the Ministry of Justice, 102 Petty France, London, SW1H 9AJ, or from this website:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1007463/DA_Act_2021_Impact_Assessment.pdf

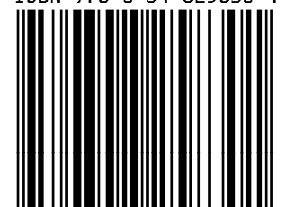
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£5.78

<http://www.legislation.gov.uk/id/uksi/2024/258>

ISBN 978-0-34-825830-1



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