
STATUTORY INSTRUMENTS

1999 No. 3491

The Family Proceedings (Amendment No. 2) Rules 1999

Amendment of the Family Proceedings Rules 1991

6. Before rule 2.52, but after the heading “Ancillary relief,” the following shall be inserted:

“Application of ancillary relief rules

2.51A.—(1) The procedures set out in rules 2.51B to 2.70 (“the ancillary relief rules”) apply to any ancillary relief application and to any application under section 10(2) of the Act of 1973.

(2) In the ancillary relief rules, unless the context otherwise requires:

“applicant” means the party applying for ancillary relief;

“respondent” means the respondent to the application for ancillary relief;

“FDR appointment” means a Financial Dispute Resolution appointment in accordance with rule 2.61E.

The overriding objective

2.51B.—(1) The ancillary relief rules are a procedural code with the overriding objective of enabling the court to deal with cases justly.

(2) Dealing with a case justly includes, so far as is practicable—

(a) ensuring that the parties are on an equal footing;

(b) saving expense;

(c) dealing with the case in ways which are proportionate—

(i) to the amount of money involved;

(ii) to the importance of the case;

(iii) to the complexity of the issues; and

(iv) to the financial position of each party;

(d) ensuring that it is dealt with expeditiously and fairly; and

(e) allotting to it an appropriate share of the court’s resources, while taking into account the need to allot resources to other cases.

(3) The court must seek to give effect to the overriding objective when it—

(a) exercises any power given to it by the ancillary relief rules; or

(b) interprets any rule.

(4) The parties are required to help the court to further the overriding objective.

(5) The court must further the overriding objective by actively managing cases.

(6) Active case management includes—

- (a) encouraging the parties to co-operate with each other in the conduct of the proceedings;
- (b) encouraging the parties to settle their disputes through mediation, where appropriate;
- (c) identifying the issues at an early date;
- (d) regulating the extent of disclosure of documents and expert evidence so that they are proportionate to the issues in question;
- (e) helping the parties to settle the whole or part of the case;
- (f) fixing timetables or otherwise controlling the progress of the case;
- (g) making use of technology; and
- (h) giving directions to ensure that the trial of a case proceeds quickly and efficiently.”.