
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 16

**REPRESENTATION OF CHILDREN AND REPORTS
IN PROCEEDINGS INVOLVING CHILDREN**

CHAPTER 3

WHEN A CHILDREN'S GUARDIAN OR LITIGATION FRIEND WILL BE APPOINTED

Appointment of a children's guardian in specified proceedings or proceedings to which Part 14 applies

16.3.—(1) Unless it is satisfied that it is not necessary to do so to safeguard the interests of the child, the court must appoint a children's guardian for a child who is—

- (a) the subject of; and
- (b) a party to,

proceedings—

- (i) which are specified proceedings; or
- (ii) to which Part 14 applies.

(Rules 12.6 and 14.6 set out the point in the proceedings when the court will appoint a children's guardian in specified proceedings and proceedings to which Part 14 applies respectively.)

(2) At any stage in the proceedings—

- (a) a party may apply, without notice to the other parties unless the court directs otherwise, for the appointment of a children's guardian; or
- (b) the court may of its own initiative appoint a children's guardian.

(3) Where the court refuses an application under paragraph (2)(a) it will give reasons for the refusal and the court or a court officer will—

- (a) record the refusal and the reasons for it; and
- (b) as soon as practicable, notify the parties and either the Service or the Assembly of a decision not to appoint a children's guardian.

(4) When appointing a children's guardian the court will consider the appointment of anyone who has previously acted as a children's guardian of the same child.

(5) Where the court appoints a children's guardian in accordance with this rule, the provisions of Chapter 6 of this Part apply.

Appointment of a children’s guardian in proceedings not being specified proceedings or proceedings to which Part 14 applies

16.4.—(1) Without prejudice to rule 8.42 or 16.6, the court must appoint a children’s guardian for a child who is the subject of proceedings, which are not proceedings of a type referred to in rule 16.3(1), if—

- (a) the child is an applicant in the proceedings;
- (b) a provision in these rules provides for the child to be a party to the proceedings; or
- (c) the court has made the child a party in accordance with rule 16.2.

(2) The provisions of Chapter 7 of this Part apply where the appointment of a children’s guardian is required in accordance with paragraph (1).

(“children’s guardian” is defined in rule 2.3.)

Requirement for a litigation friend

16.5.—(1) Without prejudice to rule 16.6, where a child is—

- (a) a party to proceedings; but
- (b) not the subject of those proceedings,

the child must have a litigation friend to conduct proceedings on the child’s behalf.

(2) The provisions of Chapter 5 of this Part apply where a litigation friend is required in accordance with paragraph (1).