

2017 No. 413 (L. 6)

FAMILY PROCEEDINGS

SENIOR COURTS OF ENGLAND AND WALES

FAMILY COURT, ENGLAND AND WALES

The Family Procedure (Amendment) Rules 2017

<i>Made</i>	- - - -	<i>15th March 2017</i>
<i>Laid before Parliament</i>		<i>16th March 2017</i>
<i>Coming into force</i>	- -	<i>6th April 2017</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 that Act(b):

Citation and commencement

1. These Rules may be cited as the Family Procedure (Amendment) Rules 2017 and come into force on 6th April 2017.

Amendment of the Family Procedure Rules 2010

2. The Family Procedure Rules 2010(c) are amended in accordance with rules 3 to 6.

Amendment of Part 10

3.—(1) In rule 10.3 (service of the application), after paragraph (1) insert—

“(1A) An application must not be served personally by the applicant himself or herself.”.

(2) In rule 10.6 (service of an order), after paragraph (1) insert—

“(1A) The documents listed in paragraph (1) must not be served personally by the applicant himself or herself.”.

(a) 2003 c.39. Section 75 was amended by paragraph 338 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c.4) and by paragraph 91 of Schedule 10 to the Crime and Courts Act 2013 (c.22). Section 76 was amended by section 62(7) of the Children Act 2004 (c.31), paragraph 172 of Schedule 2 to the Civil Partnership Act 2004 (c.33), paragraph 29 of Schedule 1 to the Constitutional Reform Act 2005 and paragraph 92 of Schedule 10 to the Crime and Courts Act 2013.

(b) Section 79 was amended by paragraph 341 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005.

(c) S.I. 2010/2955. There are relevant amendments in S.I. 2012/679, 2013/3204, 2014/667, 2015/1420 and 2016/901.

Amendment of Part 11

4.—(1) In rule 11.1 (scope and interpretation), after the definition of a forced marriage protection order, insert—

““an individual” means a person (whether legally represented or not) who is not applying for an order on behalf of an organisation, and includes the person who is the subject of the proceedings;”.

(2) In rule 11.4 (service of applications on notice)—

(a) in paragraph (1), for “paragraphs (3) and (5)” substitute “paragraph (3)”; and

(b) after paragraph (1) insert—

“(1A) Where the applicant is an individual, the application must not be served personally by the applicant himself or herself.”.

(3) In rule 11.7 (hearings and service of orders), after paragraph (3) insert—

“(3A) Where the applicant is an individual, the documents listed in paragraph (3) must not be served personally by the applicant himself or herself.”.

Amendment of Part 16

5. In rule 16.6(1)(b) (circumstances in which a child does not need a children’s guardian or litigation friend), after “Part 4A of the Family Law Act 1996”, insert “or Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003(a)”.

Richard Burton
Paul Carr
Chris Darbyshire
Jane Harris
Dylan Jones
Lord Justice McFarlane
Hannah Perry
HHJ Alison Raeside
Will Tyler

I allow these Rules

15th March 2017

Oliver Heald
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Procedure Rules 2010 (S.I. 2010/2955) to—

- ensure that applicants for certain orders do not, in person, hand over papers to respondents (rules 3(1) and (2) and 4(1), (2)(b) and (3)); and
- make minor, tidying consequential amendments (rules 4(2)(a) and 5).

No impact assessment has been produced for these Rules, as no, or no significant, impact is anticipated to result from their provisions.

(a) 2003 c. 31.

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£4.25

UK2017031530 03/2017 19585

<http://www.legislation.gov.uk/id/uksi/2017/413>

ISBN 978-0-11-115667-4



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