
STATUTORY INSTRUMENTS

2023 No. 1324

The Family Procedure (Amendment No. 2) Rules 2023

11. In rule 3.8(1) (circumstances in which the MIAM requirement does not apply (MIAM exemptions and mediator’s exemptions))—

- (a) for the sub-heading to sub-paragraph (a) for “*violence*” substitute “*abuse*”;
- (b) in sub-paragraph (a) for “*violence*” substitute “*abuse*”;
- (c) in sub-paragraph (c)(ii)(ad) for “*unreasonable*” substitute “*significant financial*”;
- (d) in the sub-heading to sub-paragraph (d) for “*MIAM exemption*” substitute “*non-court dispute resolution attendance*”;
- (e) in sub-paragraph (d)—
 - (i) in paragraph (i)—
 - (aa) for “participated in another form of” substitute “a”;
 - (bb) after “resolution” insert “process”; and
 - (cc) for “; or” substitute “; and”;
 - (ii) for paragraph (ii) substitute—
 - “(ii) where the person attended a non-court dispute resolution process, there is evidence of that attendance, as specified in Practice Direction 3A; or”;
- (f) omit sub-paragraphs (e), (g) and (i);
- (g) in sub-paragraph (k)—
 - (i) before paragraph (i) insert—
 - “(ai) the prospective applicant is not able to attend a MIAM online or by video-link and an explanation of why this is the case is provided to the court”;
 - (ii) in paragraph (i)—
 - (aa) omit “or all of the prospective respondents are”; and
 - (bb) after “attendance” insert “in person”;
 - (iii) in paragraph (ii) for “three” both times it appears substitute “five”;
 - (iv) in paragraph (iii)—
 - (aa) for “such” substitute “the”;
 - (bb) after “mediators” insert “contacted by the prospective applicant”;
 - (cc) for “can be” substitute “are”; and
 - (dd) omit “if requested”;
- (h) in sub-paragraph (l)—
 - (i) omit “or all of the prospective respondents”;
 - (ii) for “he or she is, or they are, as the case may be” substitute “the prospective applicant is”; and
 - (iii) in paragraph (i)—

- (aa) for “he or she is or they are” substitute “the prospective applicant is”; and
- (bb) after “detained” insert “and facilities cannot be made available for them to attend a MIAM online or by video-link”;
- (i) omit sub-paragraph (m);
- (j) in sub-paragraph (n) omit “by virtue of Rules 12.3(1)”;
- (k) in sub-paragraph (o)—
 - (i) before paragraph (i) insert—
 - “(ai) the prospective applicant is not able to attend a MIAM online or by video-link and an explanation of why this is the case is provided to the court.”;
 - (ii) in paragraph (i) for “three” both times it occurs substitute “five”;
 - (iii) in paragraph (ii)—
 - (aa) for “such” substitute “the”;
 - (bb) after “mediators” insert “contacted by the prospective applicant”;
 - (cc) for “can be” substitute “are”; and
 - (dd) omit “if requested”; and
- (l) for sub-paragraph (p) substitute—
 - “(p) —
 - (i) the prospective applicant is not able to attend a MIAM online or by video-link;
 - (ii) there is no authorised family mediator with an office within fifteen miles of the prospective applicant’s home; and
 - (iii) an explanation of why this exemption applies is provided by the prospective applicant to the court.”.