STATUTORY INSTRUMENTS

2018 No. 1172 (L. 14)

FAMILY PROCEEDINGS

SENIOR COURTS OF ENGLAND AND WALES

FAMILY COURT, ENGLAND AND WALES

The Family Procedure (Amendment No. 2) Rules 2018

Made - - - -	*8th November 2018*
Laid before Parliament	*12th November 2018*
Coming into force - -	*10th December 2018*

The Family Procedure Rule Committee makes the following Rules in exercise of the powers conferred by sections 75 and 79(2) of the Courts Act 2003(**a**), after consulting in accordance with section 79(1) of that Act, and by paragraphs 5 and 6 of Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973(**b**):

Citation and commencement

1. These Rules may be cited as the Family Procedure (Amendment No. 2) Rules 2018 and come into force on 10th December 2018.

Amendment of the Family Procedure Rules 2010

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

Insertion of new rule 1.5

3. After rule 1.4 (court's duty to manage cases) insert—

"**The Welsh language**

1.5.—(1) Nothing in the overriding objective undermines the principles provided by section 1 of the Welsh Language (Wales) Measure 2011(**d**) that the Welsh language has official status in Wales or by section 22 of the Welsh Language Act 1993(**e**) that in any

(**a**) 2003 c. 39. Section 75 was amended by paragraphs 308 and 338 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c. 4) and by paragraphs 83 and 91 of Schedule 10 to the Crime and Courts Act 2013 (c. 22).
(**b**) 1973 c. 45.
(**c**) S.I. 2010/2955. Relevant amendments were made in S.I. 2015/1868.
(**d**) 2011 nawm 1.
(**e**) 1993 c. 38.

legal proceedings in Wales the Welsh language may be used by any person who desires to use it.

(2) The parties are required to assist the court to put into effect the principles set out in paragraph (1).”

Insertion of new rule 5.6

4. After rule 5.5 (filing documents with and sending documents to the court by e-mail) insert—

“**Documents in the Welsh language**

5.6.—(1) Any document placed before the court in family proceedings in or having a connection with Wales may be in the English or Welsh language.

(2) It is the responsibility of any party if acting in person or of that party’s legal representative to inform the court as soon as practicable if documents in the Welsh language will or may be placed before the court, so that appropriate arrangements can be made.”

Amendment of rule 7

5. In rule 7.27 (stay of proceedings), after paragraph (5) insert—

“(6) For the purposes of paragraph 5 of Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973—

(a) proceedings in another jurisdiction shall include such proceedings which are not instituted in a court of that jurisdiction, if they are instituted before a tribunal or other authority having power under the law having effect there to determine questions of status; and

(b) proceedings which are continuing in another jurisdiction are proceedings which have been begun and have not been finally disposed of.”

Insertion of new rule 30.12A

6. After rule 30.12 (hearing of appeals) insert—

“Appeal court’s power to order that hearing of appeal be held in public

30.12A.—(1) This rule applies where by virtue of rule 27.10 the hearing of an appeal is to be held in private.

(2) The appeal court may make an order—

(a) for the hearing of the appeal to be in public;

(b) for a part of the hearing of the appeal to be in public; or

(c) excluding any person or class of persons from attending a public hearing of an appeal or any part of it.

(3) Where the appeal court makes an order under paragraph (1), it may in the same order or in a subsequent order—

(a) impose restrictions on the publication of the identity of—

(i) any party;

(ii) any child (whether or not a party);

(iii) any witness; or

(iv) any other person;

(b) prohibit the publication of any information which may lead to any such person being identified;

(c) prohibit the publication of any information relating to the proceedings from such date as the court may specify; or

(d) impose such other restrictions on the publication of information relating to the proceedings as the court may specify.

(4) A practice direction may provide for—

(a) circumstances (which may be of general application or applicable only to specified appeal courts or proceedings) in which the appeal court will ordinarily make an order under paragraph (1); and

(b) the terms of the order under paragraph (2) which the court will ordinarily make in such circumstances."

Lord Justice Baker
Melanie Carew
His Honour Judge Godwin
District Judge Hickman
Fiona James JP
Hannah Perry
Her Honour Judge Raeside
Michael Seath
District Judge Suh
Mrs Justice Theis
William Tyler QC

I allow these Rules

Lucy Frazer
Parliamentary Under Secretary of State
Ministry of Justice

8th November 2018

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Procedure Rules 2010 (S.I. 2010/2955) ("FPR 2010").

Rules 3 and 4 insert new rules 1.5 and 5.6 respectively. These rules make provision to support the principles (set out in the Welsh Language (Wales) Measure 2011 and the Welsh Language Act 1993 respectively) that the Welsh language has official status in Wales and that in any legal proceedings in Wales the Welsh language may be used by any person who desires to use it. The new rules are similar to new rules inserted into the Civil Procedure Rules 1998 (SI 1998/3132) by the Civil Procedure (Amendment No. 3) Rules 2018 (SI 2018/975).

Rule 5 amends the FPR 2010 to prescribe, for the purpose of paragraph 5 of Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973, what types of proceedings will constitute proceedings in another jurisdiction and make provision for the circumstances in which proceedings in another jurisdiction will be continuing.

Rule 6 inserts a new rule 30.12A, enabling hearings of appeals which would otherwise be in private to be in public if the appeal court so orders, with power for the court to impose restrictions on publication of information relating to the proceedings if appropriate.

No impact assessment has been produced for this instrument because no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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