STATUTORY INSTRUMENTS

2014 No. 843 (L. 15)

FAMILY PROCEEDINGS

SENIOR COURTS OF ENGLAND AND WALES

FAMILY COURT, ENGLAND AND WALES

The Family Procedure (Amendment No. 3) Rules 2014

Made - - - -	*31st March 2014*
Laid before Parliament	*1st April 2014*
Coming into force - -	*22nd April 2014*

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**) and section 10 of the Children and Families Act 2014(**b**). The Committee has consulted in accordance with section 79 of the Courts Act 2003.

Citation and commencement

1. These Rules may be cited as the Family Procedure (Amendment No. 3) Rules 2014 and come into force on 22nd April 2014.

Amendments to the Family Procedure Rules 2010

2. The Family Procedure Rules 2010(**c**) are amended in accordance with rules 3 to 52.

3. In rule 1.4(2)(f) for "an alternative dispute resolution" substitute "a non-court dispute resolution".

4. In rule 2.3(1)—

(a) after the definition of "the 2008 Act", insert—

""the 2014 Act" means the Children and Families Act 2014" and insert "2014 c.6" as a footnote to this definition;

(b) omit the definition of "alternative dispute resolution";

(**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 the Crime and Courts Act 2013.

(**b**) 2014 c.6.

(**c**) S.I. 2010/2955; relevant amending instruments are S.I. 2011/1328, 2012/679, 2007, 2046, 2806 and 3006, 2013/530 and 3204, 2014/524 and 667.

(c) after the definition of "matrimonial order" insert ""non-court dispute resolution" means methods of resolving a dispute, including mediation, other than through the normal court process;";

(d) after the definition of "child", insert—

""child arrangements order" has the meaning given to it by section 8(1) of the 1989 Act;"; and

(e) omit the definition of "contact order".

5. For Part 3 substitute—

"Part 3

Non-court Dispute Resolution

Chapter 1

Interpretation

3.1. In this Part—

"allocation" means allocation of proceedings other than appeal proceedings to a level of judge;

"authorised family mediator" means a mediator who is—

(a) subject to the Family Mediation Council's code of conduct by virtue of his or her membership of a Family Mediation Council member organisation; and

(b) certified to undertake MIAMs by the professional practice consultant who is supervising the mediator's practice and who is a member of and approved for the purpose by a Family Mediation Council member organisation;

"domestic violence" means any incident, or pattern of incidents, of controlling, coercive or threatening behaviour, violence or abuse (whether psychological, physical, sexual, financial or emotional) between the prospective applicant and another prospective party;

"family mediation information and assessment meeting" has the meaning given to it in section 10(3) of the 2014 Act.

"harm" has the meaning given to it in section 31 of the Children Act 1989;

"mediator's exemption" has the meaning given to it in Rule 3.8(2);

"MIAM" means a family mediation information and assessment meeting;

"MIAM exemption" has the meaning given to it in Rule 3.8(1);

"MIAM requirement" is the requirement in section 10(1) of the 2014 Act for a person to attend a MIAM before making a relevant family application;

"private law proceedings" has the meaning given to it in Rule 12.2;

"prospective applicant" is the person who is considering making a relevant family application;

"prospective party" is a person who would be likely to be a party to the proceedings in the relevant family application;

"prospective respondent" is a person who would be a likely respondent to the proceedings in the relevant family application; and

"relevant family application" has the meaning given to it in section 10(3) of the 2014 Act.

Chapter 2:

The Court's Duty and Powers Generally

Scope of this Chapter

3.2. This Chapter contains the court's duty and powers to encourage and facilitate the use of non-court dispute resolution.

The court's duty to consider non-court dispute resolution

3.3.—(1) The court must consider, at every stage in proceedings, whether non-court dispute resolution is appropriate.

(2) In considering whether non-court dispute resolution is appropriate in proceedings which were commenced by a relevant family application, the court must take into account –

(a) whether a MIAM took place;

(b) whether a valid MIAM exemption was claimed or mediator's exemption was confirmed; and

(c) whether the parties attempted mediation or another form of non-court dispute resolution and the outcome of that process.

When the court will adjourn proceedings or a hearing in proceedings

3.1.—(1) If the court considers that non-court dispute resolution is appropriate, it may direct that the proceedings, or a hearing in the proceedings, be adjourned for such specified period as it considers appropriate—

(a) to enable the parties to obtain information and advice about non-court dispute resolution; and

(b) where the parties agree, to enable non-court dispute resolution to take place.

(2) The court may give directions under this rule on an application or of its own initiative.

(3) Where the court directs an adjournment under this rule, it will give directions about the timing and method by which the parties must tell the court if any of the issues in the proceedings have been resolved.

(4) If the parties do not tell the court if any of the issues have been resolved as directed under paragraph (3), the court will give such directions as to the management of the case as it considers appropriate.

(5) The court or court officer will—

(a) record the making of an order under this rule; and

(b) arrange for a copy of the order to be served as soon as practicable on the parties.

(6) Where the court proposes to exercise its powers of its own initiative, the procedure set out in rule 4.3(2) to (6) applies.

Chapter 3:

Family Mediation Information and Assessment Meetings (MIAMs)

Scope of this Chapter

3.5. This Chapter contains Rules about the requirement in section 10(1) of the 2014 Act to attend a MIAM.

Applications to which the MIAM requirement applies

3.6.—(1) The MIAM requirement applies to any application to initiate the proceedings specified in paragraph (2), unless a MIAM exemption or a mediator's exemption applies.

(2) The specified proceedings are—

(a) the private law proceedings relating to children specified in Practice Direction 3A; and

(b) the proceedings for a financial remedy specified in Practice Direction 3A.

Making an application

3.7. An application to initiate any of the proceedings specified in Rule 3.8 must contain, or be accompanied by, a form containing, either—

(a) a confirmation from an authorised family mediator that the prospective applicant has attended a MIAM;

(b) a claim by the prospective applicant that one of the MIAM exemptions applies; or

(A list of MIAM exemptions is set out in Rule 3.8(1) below.)

(c) a confirmation from an authorised family mediator that a mediator's exemption applies.

(A list of mediator's exemptions is set out in Rule 3.8(2) below.)

Circumstances in which the MIAM requirement does not apply (MIAM exemptions and mediator's exemptions)

3.8. The MIAM requirement does not apply if—

(1) a prospective applicant claims in the relevant form that any of the following circumstances (a "MIAM exemption") applies—

Domestic violence

(a) there is evidence of domestic violence, as specified in Practice Direction 3A; or

Child protection concerns

(b) (i) — a child would be the subject of the application; and

(ii) that child or another child of the family who is living with that child is currently—

(aa) the subject of enquiries by a local authority under section 47 of the 1989 Act; or

(ab) the subject of a child protection plan put in place by a local authority; or

Urgency

(c) the application must be made urgently because—

(i) there is risk to the life, liberty or physical safety of the prospective applicant or his or her family or his or her home; or

(ii) any delay caused by attending a MIAM would cause—

(aa) a risk of harm to a child;

(ab) a risk of unlawful removal of a child from the United Kingdom, or a risk of unlawful retention of a child who is currently outside England and Wales;

(ac) a significant risk of a miscarriage of justice;

(ad) unreasonable hardship to the prospective applicant; or

(ae) irretrievable problems in dealing with the dispute (including the irretrievable loss of significant evidence); or

(iii) there is a significant risk that in the period necessary to schedule and attend a MIAM, proceedings relating to the dispute will be brought in another state in which a valid claim to jurisdiction may exist, such that a court in that other State would be seised of the dispute before a court in England and Wales; or

Previous MIAM attendance or MIAM exemption

(d) —

(i) in the 4 months prior to making the application, the person attended a MIAM or participated in another form of non-court dispute resolution relating to the same or substantially the same dispute; or

(ii) at the time of making the application, the person is participating in another form of non-court dispute resolution relating to the same or substantially the same dispute; or

(e) —

(i) in the 4 months prior to making the application, the person filed a relevant family application confirming that a MIAM exemption applied; and

(ii) that application related to the same or substantially the same dispute; or

(f) —

(i) the application would be made in existing proceedings which are continuing; and

(ii) the prospective applicant attended a MIAM before initiating those proceedings; or

(g) —

(i) the application would be made in existing proceedings which are continuing; and

(ii) a MIAM exemption applied to the application for those proceedings; or

Other

(h) —

(i) there is evidence that the prospective applicant is bankrupt, as specified in Practice Direction 3A; and

(ii) the proceedings would be for a financial remedy; or

(i) the prospective applicant does not have sufficient contact details for any of the prospective respondents to enable a family mediator to contact any of the prospective respondents for the purpose of scheduling the MIAM; or

(j) the application would be made without notice; or

(Paragraph 5.1 of Practice Direction 18A sets out the circumstances in which applications may be made without notice.)

(k) —

(i) the prospective applicant is or all of the prospective respondents are subject to a disability or other inability that would prevent attendance at a MIAM unless appropriate facilities can be offered by an authorised mediator;

(i) the prospective applicant has contacted as many authorised family mediators as have an office within fifteen miles of his or home (or three of them if there are three or more), and all have stated that they are unable to provide such facilities; and

(iii) the names, postal addresses and telephone numbers or e-mail addresses for such authorised family mediators, and the dates of contact, can be provided to the court if requested; or

(l) the prospective applicant or all of the prospective respondents cannot attend a MIAM because he or she is, or they are, as the case may be—

(i) in prison or any other institution in which he or she is or they are required to be detained;

(ii) subject to conditions of bail that prevent contact with the other person; or

(iii) subject to a licence with a prohibited contact requirement in relation to the other person; or

(m) the prospective applicant or all of the prospective respondents are not habitually resident in England and Wales; or

(n) a child is one of the prospective parties by virtue of Rule 12.3(1); or

(o) —

(i) the prospective applicant has contacted as many authorised family mediators as have an office within fifteen miles of his or her home (or three of them if there are three or more), and all of them have stated that they are not available to conduct a MIAM within fifteen business days of the date of contact; and

(ii) the names, postal addresses and telephone numbers or e-mail addresses for such authorised family mediators, and the dates of contact, can be provided to the court if requested; or

(p) there is no authorised family mediator with an office within fifteen miles of the prospective applicant's home; or

(2) an authorised family mediator confirms in the relevant form (a "mediator's exemption") that he or she is satisfied that—

(a) mediation is not suitable as a means of resolving the dispute because none of the respondents is willing to attend a MIAM; or

(b) mediation is not suitable as a means of resolving the dispute because all of the respondents failed without good reason to attend a MIAM appointment; or

(c) mediation is otherwise not suitable as a means of resolving the dispute.

Conduct of MIAMs

3.9.—(1) Only an authorised family mediator may conduct a MIAM.

(2) At the MIAM, the authorised family mediator must—

(a) provide information about the principles, process and different models of mediation, and information about other methods of non-court dispute resolution;

(b) assess the suitability of mediation as a means of resolving the dispute;

(c) assess whether there has been, or is a risk of, domestic violence; and

(d) assess whether there has been, or is a risk of, harm by a prospective party to a child that would be a subject of the application.

MIAM exemption not validly claimed

3.10.—(1) If a MIAM exemption has been claimed, the court will, if appropriate when making a decision on allocation, and in any event at the first hearing, inquire into whether the exemption was validly claimed.

(2) If a court finds that the MIAM exemption was not validly claimed, the court will—

(a) direct the applicant, or direct the parties to attend a MIAM; and

(b) if necessary, adjourn the proceedings to enable a MIAM to take place;

unless the court considers that in all the circumstances of the case, the MIAM requirement should not apply to the application in question.

(3) In making a decision under Rule 3.10(2), the court will have particular regard to—

(a) any applicable time limits;

(b) the reason or reasons why the MIAM exemption was not validly claimed;

(c) the applicability of any other MIAM exemptions; and

(d) the number and nature of issues that remain to be resolved in the proceedings."

6. In rule 7.8(2)—

(a) at the end of sub-paragraph (a), insert "and";

(b) in sub-paragraph (b) for "; and" substitute "."; and

(c) omit sub-paragraph (c).

7. In rule 7.12—

(a) omit paragraph (7); and

(b) in paragraph (9) omit the words after "application".

8. In rule 7.19(4)—

(a) in sub-paragraph (a) omit the words after "application"; and

(b) in sub-paragraph (b) omit the words from "and" to "children".

9. In rule 7.20(8) omit "(except any statement of arrangements for children)".

10. In rule 7.22—

(a) in paragraph (3)—

(i) omit sub-paragraph (b); and

(ii) in paragraph (c), omit "or (b)"; and

(b) In the words in parentheses to paragraph (5) for "alternative dispute resolution" substitute "non-court dispute resolution".

11. Omit rule 7.25.

12. Omit rule 7.32(2)(f).

13. In rule 9.10—

(a) in paragraph (1)—

(i) in paragraph (b) for the words from "in" to "family" substitute "who is named in a child arrangements order as a person with whom a child of the family is to live"; and

(ii) in paragraph (c) for the words after "for" substitute "a child arrangements order which names that person as a person with whom a child is to live"; and

(b) omit paragraph (2).

14. In the words in parentheses to rule 9.15(5)—

(a) for "By rule 3.3" substitute "Under Part 3"; and

(b) for "alternative dispute resolution" substitute "non-court dispute resolution".

15. In rule 12.2—

(a) after the definition of "the 2006 Act", insert—

""activity condition" has the meaning given to it by section 11C(2) of the 1989 Act;"" and

""activity direction" has the meaning given to it by section 11A(3) of the 1989 Act;";

(b) for the definition of "Case Management Order", substitute—

""Case Management Order" means an order in the form referred to in Practice Direction 12A;";

(c) omit the definitions of—

(i) "contact activity condition"; and

(ii) "contact activity direction";

(d) after the definition of "interim order" insert—

""Part 4 proceedings" means proceedings for—

(a) a care order, or the discharge of such an order, under section 39(1) of the 1989 Act;

(b) an order giving permission to change a child's surname or remove a child from the United Kingdom under section 33(7) of the 1989 Act;

(c) a supervision order, the discharge or variation of such an order under section 39(2) of the 1989 Act, or the extension of such an order under paragraph 6(3) of Schedule 3 to that Act;

(d) an order making provision regarding contact under section 34(2) to (4) of the 1989 Act or an order varying or discharging such an order under section 34(9) of that Act;

(e) an education supervision order, the extension of an education supervision order under paragraph 15(2) of Schedule 3 to the 1989 Act, or the discharge of such an order under paragraph 17(1) of Schedule 3 to that Act;

(f) an order varying directions made with an interim care order or interim supervision order under section 38(8)(b) of the 1989 Act;

(g) an order under section 39(3) of the 1989 Act varying a supervision order in so far as it affects a person with whom the child is living but who is not entitled to apply for the order to be discharged;

(h) an order under section 39(3A) of the 1989 Act varying or discharging an interim care order in so far as it imposes an exclusion requirement on a person who is not entitled to apply for the order to be discharged;

(i) an order under section 39(3B) of the 1989 Act varying or discharging an interim care order in so far as it confers a power of arrest attached to an exclusion requirement; or

(j) the substitution of a supervision order for a care order under section 39(4) of the 1989 Act;"; and

(e) in the definition of "private law proceedings"—

(i) for sub-paragraph (a) substitute—

"(a) a section 8 order except a child arrangements order to which section 9(6B) of the 1989 Act applies with respect to a child who is in the care of a local authority;"; and

(ii) in sub-paragraph (k), for "contact order" substitute "child arrangements order"; and

(f) in the definition of "public law proceedings"—

(i) after "means" insert "Part 4 proceedings and";

(ii) for sub-paragraph (a) substitute—

"(a) a child arrangements order to which section 9(6B) of the 1989 Act applies with respect to a child who is in the care of a local authority;"; and

(iii) omit sub-paragraphs (d) to (m).

16. In rule 12.3(1)—

(a) in the row beginning "An enforcement order"—

(i) for "contact order", in all four places where it occurs substitute "child arrangements order"; and

(ii) for "a contact activity" substitute "an activity";

(b) in the row beginning "A financial compensation order"—

(i) for "contact order", in all four places, substitute "child arrangements order"; and

(ii) for "a contact activity", substitute "an activity";

(c) in the row beginning "A special guardianship order", for the words "in whose favour a residence order is in force with respect to the child" substitute "who is named in a child arrangements order as a person with whom the child is to live;";

(d) in the row beginning "Variation or discharge of a special guardianship order", for the words "in whose favour a residence order is in force with respect to the child;" substitute "who is named in a child arrangements order as a person with whom the child is to live;";

(e) in the row beginning "An order following breach of an enforcement order"—

(i) for "the purposes of the contact order" substitute "the purposes of the child arrangements order";

(ii) for "provided for in the contact order" substitute "provided for in the child arrangements order"; and

(iii) for "a contact activity condition imposed by a contact order;" substitute "an activity condition imposed by a child arrangements order;";

(f) in the row beginning "An order relating to contact with the child in care (section 34(3) of the 1989 Act)", for the words "a person in whose favour there was a residence order in force with respect to the child immediately before the care order was made;" substitute "where there was a child arrangements order in force with respect to the child immediately before the care order was made, any person named in that order as a person with whom the child was to live;";

(g) in the row beginning "An order varying a direction under section 44(6)", for "whose contact with the child" substitute "named in a child arrangements order as a person with whom the child is to spend time or otherwise have contact and who"; and

(h) in the row beginning "A warning notice"—

(i) for "contact order" in all three places where it occurs substitute "child arrangements order"; and

(ii) for "a contact activity", substitute "an activity".

17. In rule 12.5—

(a) before "When" insert "(1)";

(b) after "When" omit "the";

(c) after "proceedings" insert "other than public law proceedings";

(d) in subparagraph (a)(ii) after ";" insert "or"

(e) omit subparagraph (a)(iii);

(f) in sub-paragraph (a)(iv) omit "or an application for an interim order":

(g) in sub-paragraph (a) for "Practice Directions 12A or 12B" substitute "Practice Direction 12B";

(h) in sub-paragraph (c) for "Practice Directions 12A or 12B" substitute "Practice Direction 12B";

(i) after sub-paragraph (c) insert—

"(2) When Part 4 proceedings and in so far as practicable other public law proceedings have been issued the court will—

(a) set a date for the Case Management Hearing in accordance with Practice Direction 12A;

(b) set a date for the hearing of an application for an interim order if necessary;

(c) give any directions listed in rule 12.12; and

(d) do anything else which is set out in Practice Direction 12A."; and

(j) substitute for the words in parentheses after sub-paragraph (c)—

"(Practice Direction 12A sets out details relating to the Case Management Hearing. Practice Direction 12B supplementing this Part sets out details relating to the First Hearing Dispute Resolution Appointment.)".

18. In rule 12.6—

(a) omit "As" and replace with "Within a day of the issue of Part 4 proceedings or the transfer of Part 4 Proceedings to the court and as";

(b) after "issue of" insert "other"; and

(c) after "transfer of the" insert "other".

19. For rule 12.8 substitute—

"**Service**

12.8.—(1) After the issue of proceedings under this Part, the documents specified in paragraph (5) must be served on the respondent or respondents.

(2) In section 8 private law proceedings, service under paragraph (1) will be effected by the court officer, unless—

(a) the applicant requests to do so; or

(b) the court directs the applicant to do so.

(3) In this Rule, "section 8 private law proceedings" are proceedings for a section 8 order except proceedings for a child arrangements order to which section 9(6B) of the 1989 Act applies with respect to a child who is in the care of a local authority.

(4) In any other proceedings to which this Part applies, service under paragraph (1) must be effected by the applicant.

(5) The documents are—

(a) the application together with the documents referred to in Practice Direction 12C; and

(b) notice of any hearing set by the court.

(6) Service under this rule must be carried out in accordance with Practice Direction 12C.

(7) The general rules about service in Part 6 apply but are subject to this rule.".

20. At the end of rule 12.8, insert the following words in parentheses, "(Practice Direction 12C (Service of Application in Children Proceedings) provides that in Part 4 proceedings (except proceedings for an interim order) the minimum number of days prior to the Case Management Hearing for service of the application and accompanying documents is 7 days. The Court has discretion to extend or shorten this time (see rule 4.1(3)(a)).".

21. In rule 12.14(9)—

(a) for "a contact activity" in both places where it occurs substitute "an activity"; and

(b) for "contact order" substitute "child arrangements order".

22. At the end of rule 12.15, insert the following words in parentheses, "(Practice Direction 12A gives guidance as to the application of this rule to Part 4 proceedings in the light of the period that is for the time being allowed under section 32(1)(a)(ii) of the 1989 Act)".

23. For rule 12.22, substitute—

"Timetable for the proceedings

12.22. In public law proceedings other than Part 4 proceedings, in so far as practicable the court will draw up the timetable for the proceedings or revise that timetable with a view to

disposing of the application without delay and in any event within 26 weeks beginning with the date on which the application is issued.

(In relation to Part 4 proceedings, section 32(1)(a) of the 1989 Act requires the court to draw up a timetable with a view to disposing of the application without delay and in any event within 26 weeks beginning with the day on which the application is issued.)".

24. For rule 12.23 substitute—

"Application of rules 12.24 to 12.26C

12.23. Rules 12.24 to 12.26C apply to Part 4 proceedings and in so far as practicable other public law proceedings.".

25. For rule 12.25, substitute—

"The Case Management Hearing and the Issues Resolution Hearing

12.25.—(1) The court will conduct the Case Management Hearing with the objective of—

(a) confirming the level of judge to which the proceedings have been allocated;

(b) drawing up a timetable for the proceedings including the time within which the proceedings are to be resolved;

(c) identifying the issues; and

(d) giving directions in accordance with rule 12.12 and Practice Direction 12A to manage the proceedings.

(2) The court may hold a further Case Management Hearing only where this hearing is necessary to fulfil the objectives of the Case Management Hearing set out in paragraph (1).

(3) The court will conduct the Issues Resolution Hearing with the objective of—

(a) identifying the remaining issues in the proceedings;

(b) as far as possible resolving or narrowing those issues; and

(c) giving directions to manage the proceedings to the final hearing in accordance with rule 12.12 and Practice Direction 12A.

(4) Where it is possible for all the issues in the proceedings to be resolved at the Issues Resolution Hearing, the court may treat the Issues Resolution Hearing as a final hearing and make orders disposing of the proceedings.

(5) The court may set a date for the Case Management Hearing, a further Case Management Hearing and the Issues Resolution Hearing at the times referred to in Practice Direction 12A.

(6) The matters which the court will consider at the hearings referred to in this rule are set out in Practice Direction 12A.

(Rule 25.6 (experts: when to apply for the court's permission) provides that unless the court directs otherwise, parties must apply for the court's permission as mentioned in section 13(1), (3) and (5) of the 2014 Act as soon as possible and in Part 4 proceedings and in so far as practicable other public law proceedings no later than the Case Management Hearing.)".

26. For rule 12.26, substitute—

"Discussion between advocates

12.26.—(1) When setting a date for the Case Management Hearing or the Issues Resolution Hearing the court will direct a discussion between the parties' advocates to—

(a) discuss the provisions of a draft of the Case Management Order; and

(b) consider any other matter set out in Practice Direction 12A.

(2) Where there is a litigant in person the court will give directions about how that person may take part in the discussions between the parties' advocates.

(3) Unless the court directs otherwise—

(a) any discussion between advocates must take place no later than 2 days before the Case Management Hearing; and

(b) a draft of the Case Management Order must be filed with the court no later than 11a.m. on the day before the Case Management Hearing.

(4) Unless the court directs otherwise—

(a) any discussion between advocates must take place no later than 7 days before the Issues Resolution Hearing; and

(b) a draft of the Case Management Order must be filed with the court no later than 11a.m. on the day before the Issues Resolution Hearing.

(5) For the purposes of this rule "advocate" includes a litigant in person.".

27. After rule 12.26, insert—

"Application for extension of the time limit for disposing of the application

12.26.—(1) An application requesting the court to grant an extension must state—

(a) the reasons for the request;

(b) the period of extension being requested; and

(c) a short explanation of—

(i) why it is necessary for the request to be granted to enable the court to resolve the proceedings justly;

(ii) the impact which any ensuing timetable revision would have on the welfare of the child to whom the application relates;

(iii) the impact which any ensuing timetable revision would have on the duration and conduct of the proceedings; and

(iv) the reasons for the grant or refusal of any previous request for extension.

(2) Part 18 applies to an application requesting the grant of an extension.

(3) In this rule

"ensuing timetable revision" has the meaning given to it by section 32(6) of the 1989 Act;

"extension" means an extension of the period for the time being allowed under section 32(1)(a)(ii) of the 1989 Act which is to end no more than 8 weeks after the later of the times referred to in section 32(8) of that Act.

Disapplication of rule 4.1(3)(a) court's power to extend or shorten the time for compliance with a rule

12.26B. Rule 4.1(3)(a) does not apply to any period that is for the time being allowed under section 32(1)(a)(ii) of the 1989 Act.

Extension of time limit: reasons for court's decision

12.26C.—(1) When refusing or granting an extension of the period that is for the time being allowed under section 32(1)(a)(ii) in the case of the application, the court will announce its decision and—

(a) the reasons for that decision; and

(b) where an extension is granted or refused, a short explanation of the impact which the decision would have on the welfare of the child.

(2) The court office will supply a copy of the order granting or refusing the extension including the reasons for the court's decision and the period of any extension and short explanation given under paragraph (1)(b) to—

(a) the parties; and

(b) any person who has actual care of the child who is the subject of the proceedings.".

28. In rule 12.33, for "contact" substitute "child arrangements".

29. In rule 12.75(1) for sub-paragraph (b) substitute—

"(b) to attend a mediation information and assessment meeting, or to engage in mediation or other forms of non-court dispute resolution;".

30. In rule 13.1(2), for the definition of "provision for contact" substitute—

""provision for contact" means—

(i) contact provision contained in a child arrangements order under section 8 of the 1989 Act, or

(ii) an order under section 34 of the 1989 Act;"; and

""contact provision" has the meaning given to it in section 26(5A) of the 2002 Act;".

31. In rule 14.1—

(a) in paragraph (1)(c)(i)—

(i) omit "a contact" and substitute "an"; and

(ii) after "section 26" insert "or an order under section 51A(2)(a)";

(b) after paragraph (1)(c)(i) insert—

"(i) (aa) the making of an order under section 51A(2)(b) of the 2002 Act;";

(c) in paragraph (1)(c)(ii) omit "a contact order under section 27 of the 2002 Act;" and insert—

"—

(aa) an order under section 27 of the 2002 Act; or

(bb) an order under section 51A(2) of the 2002 Act in accordance with section 51B(1)(c);"; and

(d) in paragraph (2), for the definition of "provision for contact" substitute—

""provision for contact" has the meaning given to it in rule 13.1(2); ".

32. For rule 14.2, substitute—

"Application for a serial number

14.2.—(1) This rule applies where—

(a) any application in proceedings is made by a person who intends to adopt a child; or

(b) an adoption order in respect of the child has been made and an application is made for—

(i) a contact order under section 51A(2)(a) of the 2002 Act;

(ii) an order prohibiting contact with the child under section 51A(2)(b) of the 2002 Act; or

(iii) the variation or revocation of an order under section 51A(2) of the 2002 Act in accordance with section 51B(1)(c).

(2) If, before proceedings have started, the person intending to adopt the child requests a court officer to assign a serial number to identify the person in connection with proceedings

in order for the person's identity to be kept confidential in those proceedings, a serial number will be assigned.

(3) If a person in whose favour an adoption order has been made requests a court officer to assign a serial number to keep the identity of the person confidential in proceedings referred to in paragraph (1)(b), a serial number will be so assigned.

(4) The court may at any time direct that a serial number assigned to a person under paragraph (2) or (3) must be removed.

(5) If a serial number has been assigned to a person under paragraph (2) or (3)—

(a) the court officer will ensure that any notice sent in accordance with these rules does not contain information which discloses, or is likely to disclose, the identity of that person to any other party to that application who is not already aware of that person's identity; and

(b) the proceedings on the application will be conducted with a view to securing that the person is not seen by or made known to any party who is not already aware of the person's identity except with the person's consent.".

33. In the table in rule 14.3, after the row concerning proceedings for "An order permitting the child's name to be changed or the removal of the child from the United Kingdom (section 28(2) and (3) of the 2002 Act)." insert—

A contact order under section 51A(2)(a) of the 2002 Act.	The child; or any person who has obtained the court's leave to make the application.	A person who has applied for the adoption order or in whose favour the adoption order is or has been made; and Any adoption agency having parental responsibility for the child under section 25 of the 2002 Act.
An order prohibiting the person named in the order from having contact with the child (section 51A(2)(b) of the 2002 Act).	A person who has applied for the adoption order or in whose favour the adoption order is or has been made; the child; or any person who has obtained the court's leave to make the application.	A person against whom an application is made who— (but for the child's adoption) would be related to the child by blood (including half-blood), marriage or civil partnership; is a former guardian of the child; is a person who had parental responsibility for the child immediately before the making of the adoption order; is a person who was entitled to make an application for an order under section 26 of the 2002 Act in respect of the child (contact with children placed or to be placed for adoption) by virtue of subsection (3)(c), (d) or (e) of that section; is a person with whom the child has lived for a period of at least one year; and any adoption agency having parental responsibility for the

		child under section 25 of the 2002 Act.
The variation or revocation of a contact order or an order prohibiting contact under section 51A(2) of the 2002 Act (section 51B(1)(c) of that Act).	The child; a person in whose favour the adoption order was made; or a person named in the order.	The parties to the proceedings leading to the contact order or an order prohibiting contact which it is sought to have varied or revoked; and any person named in the contact order or the order prohibiting contact.

34. In the table in rule 14.3(1)—

(a) in the row beginning "A contact order (section 26 of the 2002 Act)"—

(i) for "A contact order (section 26 of the 2002 Act)", substitute "An order under section 26 of the 2002 Act";

(ii) for "the contact order" in both places where it occurs substitute "the order"; and

(iii) for the words from "a person in whose favour there was a residence order" to "old", substitute "if a child arrangements order was in force immediately before the adoption agency was authorised to place the child for adoption or (as the case may be) placed the child for adoption at a time when he or she was less than six weeks old, any person named in the order as a person with whom the child was to live;"; and

(b) in the row beginning "An order varying or revoking a contact order"—

(i) for "a contact order", substitute "an order under section 26 of the 2002 Act"; and

(ii) for "the contact order" in all three places where it occurs substitute "the order".

35. In rule 14.8—

(a) (1)(a), after "fix a" insert "timetable for the proceedings including a"; and

(b) in the words in parentheses in rule 14.8(1)—

(i) for "By rule 3.3" substitute "Under Part 3"; and

(ii) for "alternative dispute resolution" substitute "non-court dispute resolution".

36. In rule 14.13(2)(a), after "rule 14.2(2)" insert "or (3)".

37. In rule 14.18(1)(c), for "allowing any person contact" substitute "containing any provision for contact".

38. In rule 14.25, insert the following words in parentheses—

"(Rule 37.9 makes provision for the court to endorse an order prohibiting contact under section 51A(2)(b) of the 2002 Act with a penal notice on the application of the person entitled to enforce the order.)".

39. In rule 14.26—

(a) in paragraph (1)(e)—

(i) for "a copy of a contact order" substitute "a copy of an"; and

(ii) for "variation or revocation of a contact" substitute "variation or revocation of such"; and

(b) in paragraph (1)(e)(iii), after ";" omit "and" and insert—

"(ee) unless the court directs otherwise, a copy of a contact order under section 51A(2)(a) of the 2002 Act, an order prohibiting contact under section 51A(2)(b) of that Act or a variation or revocation of such orders under section 51B(1)(c) of that Act to the parties to the proceedings; and".

40. In rule 16.38(1)—

(a) in paragraph (a)(i), for "a contact" in both places where it occurs substitute "an";

(b) in paragraph (a)(ii), for "a contact" in both places where it occurs substitute "an"; and

(c) in paragraph (a)(iii), for "contact" substitute "child arrangements".

41. In rule 16.38(2)(a), omit "contact" in both places where it occurs.

42. In rule 16.39(1) for "contact" substitute "child arrangements".

43. In rule 17.2—

(a) omit paragraph (1)(e); and

(b) in paragraph (6)(b) omit "or statement of arrangements for children".

44. Omit rule 25.1.

45. In rule 25.2—

(a) omit the definition of "authorised applicant";

(b) after the definition of "expert" insert the following words in parentheses—

"(Section 13(8) of the 2014 Act provides for what is not included in reference to providing expert evidence or putting expert evidence before the court in children proceedings)";

(c) omit the definition of "local authority"; and

(d) for paragraph (2), substitute—

"(2) The meaning of "children proceedings" in paragraph (1) is the prescribed meaning for the purposes of section 13(9) of the 2014 Act.".

46. For rule 25.4, substitute—

"Control of expert evidence in proceedings other than children proceedings

25.4.—(1) This rule applies to proceedings other than children proceedings.

(2) A person may not without the permission of the court put expert evidence (in any form) before the court.

(3) The court may give permission as mentioned in paragraph (2) only if the court is of the opinion that the expert evidence is necessary to assist the court to resolve the proceedings.

(Provision relating to the control of expert evidence in children proceedings is contained in section 13 of the 2014 Act.)".

47. In rule 25.5—

(a) omit paragraph (1) and replace with—

"(1) When deciding whether to give permission as mentioned in section 13(1), (3) or (5) of the 2014 Act or to give a direction under 38(6) of the 1989 Act in children proceedings, the court is to have regard in particular to any failure to comply with rule 25.6 or any direction of the court about expert evidence."; and

(b) after paragraph (1) insert—

"(1A) The matter referred to in paragraph (1) is a prescribed matter for the purposes of section 13(7)(h) of the 2014 Act and section 38(7B) of the 1989 Act.".

48. For rule 25.6, after the heading substitute—

"**25.6.** Unless the court directs otherwise, parties must apply for the court's permission as mentioned in section 13(1), (3) or (5) of the 2014 Act or rule 25.4(2) as soon as possible and—

(a) in Part 4 proceedings referred to in rule 12.2 and in so far as practicable other public law proceedings referred to in that rule, no later than a Case Management Hearing;

(b) in private law proceedings referred to in rule 12.2, no later than the First Hearing Dispute Resolution Appointment;

(c) in adoption proceedings and placement proceedings, no later than the first directions hearing;

(d) in proceedings for a financial remedy, no later than the first appointment; and

(e) in a defended case referred to in rule 7.1(3), no later than any Case Management Hearing directed by the court under rule 7.20.".

49. In rule 25.7—

(a) in paragraph (1) after "in" insert "section 13(1), (3) or (5) of the 2014 Act or" and after "rule 25.4" insert "(2)";

(b) in paragraph (2)(a) after "in" insert "section 13(1), (3) or (5) of the 2014 Act or" and after "rule 25.4" insert "(2)"; and

(c) in paragraph (3) omit "rule 25.4" and insert "section 13(1), (3) or (5) of the 2014 Act".

50. In rule 25.8, in paragraph (1) after "in" in the second place where it occurs insert "section 13(1), (3) or (5) of the 2014 Act or" and after "rule 25.4" insert "(2)".

51. In rule 25.19 in paragraph (2)—

(a) after "final order" insert ", any transcript or written record of the court's decision, and its reasons for reaching its decision, within 10 business days from the date when the party received the order and any such transcript or record."; and

(b) omit "; and" and sub-paragraphs (a) and (b).

52. In rule 37.9(3)(b), omit "," and replace with ";" and insert—

"(c) an order prohibiting contact with a child under section 51A(2)(b) of the 2002 Act,"

.

James Munby, P
Richard Burton
Paul Carr
Chris Darbyshire
Bruce Edgington
Angela Finnerty
Mike Hinchliffe
Sunita Mason
Ernest Ryder, LJ
David Salter
Lucy Theis, J
John Wilson

I allow these Rules
Signed by authority of the Lord Chancellor
31st March 2014

Simon Hughes
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend the Family Procedure Rules (S.I. 2010/2955) ("the FPR 2010"). The amendments made to the FPR 2010 by these Rules are made under or in consequence of and to

support certain provisions of the Children and Families Act 2014 (c.6) ("the 2014 Act"). The amendments also adjust service rules applicable to certain private law children proceedings.

In particular, the Rules amend the FPR 2010 as follows:

(1) to provide for a court process for proceedings for orders under new section 51A(2) of the Adoption and Children Act 2002 (c.38) as inserted by section 9 of the 2014 Act relating to post-adoption contact and variation and revocation of these orders;

(2) to make rules under and amend rules in consequence of section 10 of the 2014 Act which creates a new statutory requirement for a prospective applicant to attend a family mediation information and assessment meeting before making certain family applications;

(3) to make amendments in consequence of section 12 of the 2014 Act which replaces contact orders and residence orders with new child arrangements orders and on Schedule 2 to the 2014 Act which makes consequential amendments to primary legislation in relation to the new orders;

(4) to make amendments in consequence of the requirements relating to expert evidence and children proceedings being contained in section 13 of the 2014 Act instead of rules of court;

(5) to adjust the court process in consequence of the requirement inserted by section 14 of the 2014 Act into section 32 of the Children Act 1989 (c.41) for care and supervision proceedings and other proceedings under Part 4 of the 1989 Act to be resolved within 26 weeks and to facilitate the resolution of proceedings within that period;

(6) to make amendments in consequence of the repeal by section 17 of the 2014 Act of section 41 of the Matrimonial Causes Act 1973 (c.18) and section 63 of the Civil Partnership Act 2004 (c.33); and

(7) to create a duty on the court officer to serve applications and certain accompanying documents in certain private law children matters.

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