STATUTORY INSTRUMENTS

2015 No. 1868 (L. 21)

FAMILY PROCEEDINGS

SENIOR COURTS OF ENGLAND AND WALES

FAMILY COURT, ENGLAND AND WALES

The Family Procedure (Amendment No. 3) Rules 2015

Made - - - - *4th November 2015*

Laid before Parliament *10th November 2015*

Coming into force in accordance with rule 1

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**), after consulting in accordance with section 79 of the Courts Act 2003(**c**).

Citation and commencement

1.—(1) These Rules may be cited as the Family Procedure (Amendment No. 3) Rules 2015.

(2) This rule and rules 2 and 4 to 8 come into force on 7th December 2015.

(3) Rule 3 comes into force on 1st January 2016.

Amendments to the Family Procedure Rules 2010

2. The Family Procedure Rules 2010(**d**) are amended in accordance with rules 3 to 8.

Amendment of rule 3.1

3. In rule 3.1 (interpretation), for the definition of "authorised family mediator" substitute—

> ""authorised family mediator" means a person identified by the Family Mediation Council as qualified to conduct a MIAM;".

Insertion of new rule 5.5

4. After rule 5.4 (where to start proceedings) insert—

(**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 29 of Schedule 1 to the Constitutional Reform Act 2005 and paragraph 92 of Schedule 10 to the Crime and Courts Act 2013.
(**b**) 2014 c. 6.
(**c**) Section 79 was amended by paragraph 341 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005.
(**d**) S.I. 2010/2955. Relevant amending instruments are S.I. 2012/679, 2013/3204 and 2014/843.

"Filing documents with and sending documents to the court by e-mail

5.5.—(1) A practice direction may make provision for documents to be filed with or sent to the court by e-mail.

(2) Any such practice direction may—

(a) provide that only particular categories of documents may be filed with or sent to the court by such means;

(b) provide that particular provisions only apply in specified courts or court offices; and

(c) specify the requirements that must be fulfilled for any document filed with or sent to the court by such means.".

Amendment of rule 6.23

5. In rule 6.23 (method of service), in paragraph (d) for "other means of electronic communication" substitute "e-mail".

Amendment of rule 6.26

6. In rule 6.26 (address for service), in paragraph (7)—

(a) for "electronic means other than fax" substitute "e-mail";

(b) omit "or electronic identification"; and

(c) omit "at".

Insertion of new Chapter 10 in Part 9

7. After rule 9.45 (duty of the court upon making a pension compensation sharing order or a pension compensation attachment order) insert—

"CHAPTER 10

COMMUNICATION OF INFORMATION FROM FINANCIAL REMEDY PROCEEDINGS

Communication of information: Practice Direction 9B

9.46.—(1) For the purposes of the law relating to contempt of court, information from financial remedy proceedings may be communicated in accordance with Practice Direction 9B.

(2) Paragraph (1) is subject to any direction of the court.

(3) Nothing in this rule permits the communication to the public at large, or any section of the public, of any information relating to the proceedings.

(Rule 29.2 makes provision about disclosure of information under the 1991 Act.)".

Amendment of rule 29.12

8. In rule 29.12 (access to and inspection of documents retained in court)—

(a) in paragraph (1)—

(i) after "no document" insert "or copy of a document"; and

(ii) after "such document" insert "or copy";

(b) in paragraph (3) after "document" insert "or copy of a document"; and

(c) after paragraph (4) insert—

"(5) For the purposes of this rule, "document" and "copy" have the meanings given in rule 21.1(3).".

Marie Brock

Paul Carr
Christopher Darbyshire
Jane Harris
Mike Hinchliffe
Michael Horton
HHJ Alison Raeside
Lucy Theis, J
Will Tyler

I allow these Rules

Caroline Dinenage
Parliamentary Under-Secretary of State
Ministry of Justice

4th November 2015

EXPLANATORY NOTE

(This note is not part of the Rules)

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

Rule 3 amends the definition of "authorised family mediator" in rule 3.1 of the FPR.

Rule 4 inserts a new rule 5.5 into the FPR allowing for a Practice Direction to make provision for filing documents with and sending documents to the court by e-mail. Rules 5 and 6 make related amendments to Part 6 of the FPR relating to service by e-mail.

Rule 7 inserts a new rule 9.46 into the FPR which makes provision about communication of information from financial remedy proceedings.

Rule 8 amends rule 29.12 of the FPR to facilitate storage of documents in electronic format.

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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