STATUTORY INSTRUMENTS

1999 No. 1012 (L.9)

FAMILY PROCEEDINGS
SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS

The Family Proceedings (Miscellaneous Amendments) Rules 1999

Made - - - -	*25th March 1999*
Laid before Parliament	*30th March 1999*
Coming into force	*26th April 1999*

We, the authority having power under section 40(1) of the Matrimonial and Family Proceedings Act 1984**(a)** to make rules of court for the purposes of family proceedings in the High Court and county courts, in the exercise of the powers conferred by section 40, make the following Rules–

1. These Rules may be cited as the Family Proceedings (Miscellaneous Amendments) Rules 1999 and shall come into force on 26th April 1999.

Amendments to the Family Proceedings Rules 1991(b)

2. The Family Proceedings Rules 1991 shall be amended in accordance with these rules and a reference to a rule by number alone is a reference to the rule so numbered in the Family Proceedings Rules.

3.—(1) In rules 1.2(5), 1.3 and 1.4, references to "the County Court Rules 1981"**(c)** and "the Rules of the Supreme Court 1965"**(d)** are references to the County Court Rules and the Rules of the Supreme Court in force immediately before 26th April 1999 and references to provisions of those Rules in the Family Proceedings Rules 1991 shall be read accordingly.

(2) In rule 1.3(1), after "shall" insert "continue to".

Costs in Family Proceedings

4.—(1) Order 38 of the County Court Rules 1981 and Order 62 of the Rules of the Supreme Court 1965 shall not apply to the assessment of costs in family proceedings and proceedings in the Family Division, and Parts 43, 44 (except rules 44.9 to 44.12), 47 and 48 of the Civil Procedure Rules 1998**(e)** ("the 1998 Rules") shall apply to the assessment of costs in those proceedings, with the following modifications:–

(a) in rule 43.2(1)(c)(ii) of the 1998 Rules, "district judge" includes a district judge of the Principal Registry of the Family Division;

(a) 1984 c. 42; as amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 50 and the Civil Procedure Act 1997 (c. 12), Schedule 2, paragraph 3.
(b) S.I. 1991/1247.
(c) S.I. 1981/1687.
(d) S.I. 1965/1776.
(e) S.I. 1998/3132; as amended by S.I. 1999/1008.

(b) rule 44.3(2) of the 1998 Rules (costs follow the event) shall not apply.

(2) The Family Proceedings (Costs) Rules 1991**(a)** are revoked.

(3) This rule applies to any assessment of costs that takes place on or after 26th April 1999, but so that, as a general rule, no costs for work done before that date shall be disallowed if they would have been allowed on taxation before that date.

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Dated 25th March 1999

(a) S.I. 1991/1832.

EXPLANATORY NOTE

(This note is not part of the Rules)

The Family Proceedings Rules 1991 apply the County Court Rules 1981 and the Rules of the Supreme Court 1965. On 26th April 1999, the Civil Procedure Rules 1998 come into force in respect of civil proceedings; they supersede the County Court Rules and the Rules of the Supreme Court, which will cease to have effect. These Rules provide for the County Court Rules and Rules of the Supreme Court generally to continue to apply in the Family Proceedings Rules. The exception is the assessment of costs, where the relevant provisions of the Civil Procedure Rules will apply instead.

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