



Ministry of  
**JUSTICE**

## **Family Procedure Rule Committee**

### **ANNUAL REPORT 2014 – 2015**

This annual report of the Family Procedure Rule Committee for April 2014 to March 2015 includes references to rules made during the period of the report, the Committee's terms of reference, membership and dates of meetings.

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## **1. Terms of Reference**

The Family Procedure Rule Committee (“the Committee”) is an Advisory Non-Departmental Public Body sponsored by the Ministry of Justice. Its function is to make rules of court governing the practice and procedure in family proceedings in the High Court and the family court. Its power to make rules is to be exercised with a view to securing that the family justice system is accessible, fair and efficient and the rules are both simple and simply expressed. Before making rules the Committee must meet and discuss proposed rules (unless it is inexpedient to do so) and consult such persons as it considers appropriate.

## **2. Background**

The Committee was established in 2004 in accordance with the provisions of the Courts Act 2003.

## **3. Membership**

The Committee comprises the following members:

The Right Honourable Sir James Munby, President of the Family Division (Chair)

The Right Honourable Lord Justice Ryder – Court of Appeal Judge

The Honourable Mrs Justice Theis – High Court Judge

Her Honour Judge Alison Raeside – Circuit Judge

District Judge Chris Darbyshire – District Judge (County Court)

District Judge Paul Carr – District Judge (Magistrates’ Courts)

Marie Brock JP – Magistrate

Richard Burton – Justices’ Clerk

William Tyler QC - Barrister

Michael Horton – Barrister

Hannah Perry – Solicitor

Dylan Jones – Solicitor

Mike Hinchliffe – CAFCASS

Jane Harris – Lay Advice Member

#### **4. Remuneration**

The Chair and members are not remunerated for their service on the Committee.

#### **5. Meetings**

The Committee met on 9 April 2014, 16 June 2014, 6 October 2014, 3 November 2014, 1 December 2014 and 2 February 2015 and 9 March 2015.

#### **6. Working Parties**

The Committee establishes working parties to consider the detail of rules relating to specific types of family proceedings. During the period of the Report, the following working parties were in existence: the Setting Aside Orders Working Party met on 4 March 2015.

#### **7. Family Procedure Rules**

The Family Procedure Rules, which were made by the Committee on 13 December 2010, came into force on 6 April 2011.

The rules are contained in 38 Parts covering different areas of procedure and different types of proceedings. Under the provisions of the Courts Act 2003, rules may, instead of providing for any matter, refer to provision made about that matter in directions. Accordingly, much of the detail of the procedure is contained in Practice Directions supplementing the parts of the rules.

The Committee adopted the following principles in development of the rules:

- i. Modernisation of language,
- ii. Harmonisation with the Civil Procedure Rules to the extent that it is appropriate,
- iii. Creation of a single unified code of practice in addition to rules and
- iv. Alignment of procedures in all levels of Court except where there are strong reasons not to do so.

#### **8. Family Procedure (Amendment) Rules**

During the period covered by this Report, the rules were amended by two instruments. The amendments were made by the Committee in accordance with section 79 Courts Act 2003.

The Family Procedure (Amendment No.4) Rules 2014 [S.I. 2014 No. 3296] included amendments to:

- make provision for incoming and outgoing protection measures to which EU Regulation No.606/2013 of 12 June 2013 on mutual recognition of protection measures in civil matters applies;
- reflect the repeal of section 19 of the Matrimonial Causes Act 1973 (presumption of death) by the Presumption of Death Act 2013;

- substitute a new rule to make provision for the filing of supplemental applications for a matrimonial or civil partnership order; and
- insert provision in respect of applications for writs of habeas corpus for release in relation to a minor.

The Family Procedure (Amendment) Rules 2015 [S.I. No. 913] included amendments:

- consequential upon the coming into force of section 12A of the Matrimonial Causes Act 1973 which makes provision in respect of the grounds upon which a marriage converted from a civil partnership is void or voidable;
- consequential upon the coming into force of section 8(5A) of the Gender Recognition Act 2004 which made provision for a spouse to apply to quash a decision to issue an interim gender recognition certificate on the grounds that its grant was secured by fraud; and
- consequential upon the coming into force of section 63CA of the Family Law Act 1996, which provides for an offence of breaching a forced marriage protection order.

## **9. Consultations**

During the period of this report the Committee was consulted on amendments to the Family Court (Composition and Distribution of Business) Rules 2014 and on amendments to the Justices' Clerks and Assistants Rules 2014. The Department for Work and Pensions consulted the Committee on proposals relating to pension sharing orders on divorce and dissolution of civil partnerships.

The Committee consulted local Family Justice Boards and judicial associations as part of its review of the Public Law Outline contained in Practice Direction 12A.

## **10. Contact**

Any enquiries about the work of the Committee may be addressed to:

Clive Buckley  
Secretary  
Family Procedure Rule Committee

Ministry of Justice  
4<sup>th</sup> Floor  
102 Petty France  
London  
SW1H 9AJ

[clive.buckley@justice.gsi.gov.uk](mailto:clive.buckley@justice.gsi.gov.uk)