

## **FAMILY PROCEDURE RULE COMMITTEE ANNUAL REPORT 2004-05**

### **Terms of Reference**

1. The Family Procedure Rule Committee is an Advisory Non-Departmental Public Body sponsored by the Department for Constitutional Affairs. Its function is to make rules of court governing the practice and procedure in family proceedings in the High Court, county courts and magistrates' courts. 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 consult such persons as it considers appropriate and meet (unless it is inexpedient to do so).

### **Background**

2. The Family Procedure Rule Committee was established in 2004 in accordance with the provisions of the Courts Act 2003. To date, the power of the Committee to make rules has been brought into force only in regard to matters relating to adoption.

### **Membership**

3. During the period of this report, the committee comprised the following members:

The Right Honourable Dame Elizabeth Butler-Sloss GBE (Chair) – *until April 2005*

The Right Honourable Sir Mark Potter (Chair) – *from April 2005*

The Right Honourable Lord Justice Wall (Deputy Chair)

The Honourable Mr Justice Charles – *(High Court judge member)*

Her Honour Judge Angela Finnerty – *(circuit judge member)*

Senior District Judge Philip Waller – *(district judge (PRFD) member)*

District Judge Duncan Adam – *(district judge (county court) member)*

District Judge Katharine Marshall – *(district judge (magistrates' court) member)*

Martyn Cook JP – *(magistrate member)*

John Baker – *(justices' clerk member)*

Jane Probyn – *(barrister member)*

Charles Hyde – *(barrister member)*

Susan Jones – *(barrister member)*

David Salter- *(solicitor member)*

Bruce Edgington – *(solicitor member)*

Clive Redley – *(solicitor member)*

Charles Prest – *(CAFCASS nominated member) – until January 2005*

Mike Hinchliffe – *(CAFCASS nominated member) - from February 2005*

### **Remuneration**

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

### **Meetings**

5. The Committee met on 11 November, 6 December (2004), 10 January, 14

February, 7 March, 11 April, 9 May, 13 June, 11 July, 5 September, 7 October (2005).

### **New Rules/Statutory Instruments**

6. The Committee has made the Family Procedure (Adoption) Rules 2005 – S.I. 2005 No. 2795 (L.22). These rules support the major reforms in adoption law enacted in the Adoption and Children Act 2002 and shall come into force on the 30 December 2005. They are the first rules made by the Committee and the first family rules to apply to all levels of court below the Court of Appeal.

Pending the bringing into force of its full rule-making powers under the Courts Act, rules in relation to family proceedings in the High Court and county courts continue to be made under the provisions of s.40 Matrimonial and Family Proceedings Act 1984. All those currently appointed to make rules under s.40 are members of the Family Procedure Rule Committee.

During the year the Committee has considered, and those members appointed under s.40 have made, together with the Lord Chancellor, amendments to the Family Proceedings Rules 1991 to give effect to:

- Council Regulation (EC) No. 2201 of 2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility
  - The Gender Recognition Act 2004
  - The Children Act 2004 (s.37 Welsh family proceedings officers)
  - The Children Act 2004 (s.62 Publication of material relating to legal proceedings)
  - The Civil Partnership Act 2004
  - The Adoption and Children Act 2002
- Additionally, amendments have been made to ancillary relief Form E and to provisions relating to pension sharing.

The amendments were made by the following statutory instruments:  
2005 No. 264 – The Family Proceedings (Amendment) Rules 2005  
2005 No. 412 (L.5) – The Family Proceedings (Amendment No.2) Rules 2005  
2005 No. 559 (L.11) – The Family Proceedings (Amendment No.3) Rules 2005  
2005 No. 1976 (L.18) – The Family Proceedings (Amendment No.4) Rules 2005  
2005 No. 2921 (L.25) – The Family Proceedings (Civil Partnership: Staying of Proceedings) Rules 2005  
2005 No. 2922 (L.26) – The Family Proceedings (Amendment No.5) Rules 2005

### **Reports**

7. The Committee established a working party to examine the routes and modes of appeal in family proceedings. The Committee produced a report, *“Routes of appeal in family proceedings”*, making recommendations relating to modes of appeal and routes of appeal from decisions of the family proceedings courts, the county courts and the High Court.

### **Committee Contact**

8. Updates on the Committee's work may be viewed on the DCA website [www.dca.gov.uk/procedurerules/familypr\\_committee.htm](http://www.dca.gov.uk/procedurerules/familypr_committee.htm)

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

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