



14 July 2017

Dear Colleague,

**CONSULTATION ON DRAFT AMENDMENTS TO PART 9 FPR: PROCEDURAL
CHANGES RELATING TO APPLICATIONS FOR A FINANCIAL REMEDY**

I enclose a consultation paper relating to proposed amendments to Part 9 of the Family Procedure Rules (FPR): *Application for a financial remedy*. These amendments are intended to facilitate the “de-linking” of applications for a financial order from proceedings for a decree of divorce or dissolution of a civil partnership, so that it will no longer be possible to make an application for a financial order in a divorce petition or dissolution application. Rather, applications for financial orders will be capable of being made separately at any time after issuing a divorce petition or dissolution application. This change is referred to in this letter and the attached consultation paper as “procedural delinking”).

The amendments would also make changes to the types of financial remedy cases to which the procedure in Chapter 5 of Part 9 of the FPR applies, rename that procedure as “fast track” and make some minor changes to the procedure itself.

These changes have been discussed at the Family Procedure Rule Committee and canvassed by the President of the Family Division in his *View* number 17¹. The current proposed rule amendments to Part 9 have their origin in certain recommendations contained in a final report by the judicial Financial Remedies Working Group chaired by Mostyn J and Cobb J and published in 2015². The Working Group was set up by the President to “*explore ways of improving the accessibility of the system for litigants in person and to identify ways of further improving good practice in financial remedy cases.... confined to matters of practice and procedure*”.

These proposals have since been further developed through discussion at the Family Procedure Rule Committee’s Financial Proceedings Working Party and in meetings of the full Committee. It should be noted that the President’s recommendation for a unified procedure for all financial remedy applications is part of ongoing work. Reform is proceeding in stages towards that aim. The current proposed amendments to Part 9 represent only the first stage.

The principles of procedural de-linking of applications for financial orders from divorce and dissolution proceedings and of introducing changes to the fast-track procedure for financial remedy applications are not subject to consultation. Your views are sought on two specific practical aspects arising from the decision to proceed with those reforms.

The proposed amendments to Part 9 FPR are shown in the attached document for convenience. Proposed additions are underlined and proposed deletions shown in strike though. This draft

¹ www.judiciary.gov.uk/wp-content/uploads/2014/08/view-from-presidents-chamber-17-may-2017.pdf

² www.judiciary.gov.uk/publications/financial-remedies-working-group-report/

incorporates pending amendments contained in the statutory instrument Family Procedure (Amendment No. 2) Rules 2017 which has been laid before Parliament for coming into effect on 7th August 2017. The Family Procedure Rule Committee would now like to invite comments from interested parties on the draft rule amendments with respect to two specific questions set out in the attached consultation paper. Please could you send your comments to the following address by **5pm on Friday 8th September 2017**.

Olivia Hutchinson
Family Justice Policy
Post Point 3.40
Ministry of Justice
102 Petty France
London SW1H 9AJ

FPRCsecretariat@justice.gsi.gov.uk

Copies of the consultation paper have been sent to the following bodies. The names of individual respondents are omitted from the list below:

Access to Justice Foundation
Advocates' Gateway
Association of HM District Judges
Association of Lawyers for Children
Chartered Institute of Legal Executives
Citizen's Advice Bureaux (national organisation)
Council of HM Circuit Judges
Council of HM District Judges (magistrates' courts)
Family Justice Council
Family Law Bar Association
Judicial College
Justices' Clerks' Society
Magistrates' Association
Personal Support Unit
RCJ Citizen's Advice Bureau
Resolution
The Law Society
Transparency Project

Please feel free to forward these papers to other people or to let me know of other people who should be sent a copy of the papers or contact me if you require any further information.

I am copying this letter and attachments to the President's office and to members of the Family Procedure Rule Committee.

Yours faithfully,

OLIVIA HUTCHINSON

Enclosures:

Consultation paper

Annex A to the consultation paper (Draft Part 9 Family Procedure Rules)