STATUTORY INSTRUMENTS

2018 No. 440 (L. 4)

FAMILY PROCEEDINGS
SENIOR COURTS OF ENGLAND AND WALES
FAMILY COURT, ENGLAND AND WALES

The Family Procedure (Amendment) Rules 2018

Made - - - -	*27th March 2018*
Laid before Parliament	*28th March 2018*
Coming into force - -	*4th June 2018*

The Family Procedure Rule Committee makes the following Rules in exercise of the powers conferred by sections 75 and 79(2) of the Courts Act 2003(**1**), after consulting in accordance with section 79(1) of that Act:

Citation and commencement

1. These Rules may be cited as the Family Procedure (Amendment) Rules 2018 and come into force on 4th June 2018.

Amendment of the Family Procedure Rules 2010

2. The Family Procedure Rules 2010(**2**) are amended in accordance with rules 3 to 11.

Amendment of rule 4.1

3. In rule 4.1 (the court's general powers of management)—

(a) in paragraph (3)—

(i) after sub-paragraph (b) insert—

"(bb) direct that any proceedings in the High Court be heard by a Divisional Court of the High Court;"; and

(ii) at the end of the paragraph, following the words in parentheses insert—

"(Rule 37.15(6)(b) makes specific provision in relation to Divisional Courts.)"; and

(**1**) 2003 c. 39. Section 75 was amended by paragraphs 308 and 338 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c. 4) and by paragraphs 83 and 91 of Schedule 10 to the Crime and Courts Act 2013 (c. 22).

(**2**) S.I. 2010/2955. Relevant amending instruments are S.I. 2011/1328, 2012/679 and 2806, 2013/3204, 2014/667 and 2016/901.

(b) after paragraph (4) insert—

"(4A) Where the court has made a direction in accordance with paragraph (3)(bb) the proceedings shall be heard by a Divisional Court of the High Court and not by a single judge.".

Amendment of rule 9.3

4. In rule 9.3(1) (interpretation)—

(a) after the definition of "the Board" insert—

""fast-track procedure" means the procedure set out in Chapter 5;"; and

(b) after the definition of "relevant valuation" insert—

""standard procedure" means the procedure set out in Chapter 4;".

Insertion of new rule 9.9B

5. After rule 9.9A (application to set aside a financial remedy order) insert—

"**Standard and fast-track procedures for financial remedy proceedings**

9.9B.—(1) In this rule "order for periodical payments" means an order under—

(a) section 23(1)(a), (b), (d) or (e) of the 1973 Act;

(b) section 27(5) or (6)(a), (b), (d) or (e) of the 1973 Act;

(c) paragraph 1(2)(a) or (b), 2(2)(a) or 9 of Schedule 1 to the 1989 Act;

(d) paragraph 2(1)(a), (b), (d) or (e) of Schedule 5 to the 2004 Act;

(e) paragraph 40 or 41(1)(a), (b), (d) or (e) of Schedule 5 to the 2004 Act.

(2) Subject to paragraph (3), an application for a financial remedy must be dealt with under the standard procedure.

(3) The fast-track procedure applies to—

(a) any application where the financial remedy sought is only for an order for periodical payments;

(b) any application made under—

(i) the 1978 Act;

(ii) Schedule 6 to the 2004 Act;

(iii) Article 56 of the Maintenance Regulation; or

(iv) Article 10 of the 2007 Hague Convention;

(c) any application for the variation of an order for periodical payments, except where the applicant seeks the dismissal (immediate or otherwise) of the periodical payments order and its substitution with one or more of a lump sum order, a property adjustment order, a pension sharing order or a pension compensation sharing order.

(4) At any stage in the proceedings the court may order that an application proceeding under the fast-track procedure must proceed under the standard procedure.

(Rule 9.18A provides for specific occasions when the court may direct that a case should proceed under the standard procedure.)".

Amendment of the heading to Chapter 4 of Part 9

6. For the heading to Chapter 4 of Part 9 (procedure after filing an application) substitute— "STANDARD PROCEDURE".

Amendment of the heading to Chapter 5 of Part 9

7. For the heading to Chapter 5 of Part 9 (procedure after filing particular applications) substitute —

"FAST-TRACK PROCEDURE".

Amendment of rule 9.18

8. In rule 9.18 (duties of the court and the applicant upon filing an application)—

(a) for paragraph (A1) substitute—

"(A1) This Chapter applies where, in accordance with rule 9.9B, the fast-track procedure applies to an application for a financial remedy.";

(b) in paragraph (1)—

(i) in sub-paragraph (a) for "4 weeks and not more than 8" substitute "6 weeks and not more than 10";

(ii) in sub-paragraph (b)—

(aa) at the end of paragraph (i) insert "and";

(bb) in paragraph (ii) for "; and" substitute "."; and

(cc) omit paragraph (iii);

(c) in paragraph (2)(c)—

(i) at the end of paragraph (i) insert "and"; and

(ii) omit paragraph (ii); and

(d) omit paragraph (4).

Amendment of rule 9.18A

9. For rule 9.18A (request for change of procedure) substitute—

"**9.18A.**—(1) Paragraph (2) applies where the applicant wishes to seek a direction from the court that the standard procedure should apply to an application to which the fast-track procedure would otherwise apply.

(2) Where this paragraph applies, a request for a direction—

(a) must be made with the application for a financial remedy; and

(b) must state—

(i) that the applicant seeks a direction that the standard procedure should apply; and

(ii) the applicant's reasons for seeking such a direction.

(3) Paragraph (4) applies where—

(a) a respondent wishes to seek a direction from the court that the standard procedure should apply to an application to which the fast-track procedure would otherwise apply; or