STATUTORY INSTRUMENTS

2017 No. 741 (L. 9)

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

The Family Procedure (Amendment No. 2) Rules 2017

Made - - - -	*11th July 2017*
Laid before Parliament	*13th July 2017*
Coming into force - -	*7th August 2017*

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

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Family Procedure (Amendment No. 2) Rules 2017 and come into force on 7th August 2017.

(2) In these Rules, "the FPR 2010" means the Family Procedure Rules 2010(**3**).

Amendment of the FPR 2010

2. The FPR 2010 are amended in accordance with rules 3 to 8.

Amendment of rule 8.23

3. At the end of rule 8.23 (scope of this Chapter), following the words in parentheses, insert—

"(The Family Court (Composition and Distribution of Business) Rules 2014(**4**) make provision in relation to the allocation of the proceedings to which this Chapter applies to a specified level of judge in the family court.)".

(**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**) Section 79 was amended by paragraphs 308 and 341 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005.
(**3**) S.I. 2010/2955. There are relevant amendments in S.I. 2011/1328, 2012/2806, 2013/3204 and 2014/843 and 3296.
(**4**) S.I. 2014/840.

Substitution of rule 8.25

4. For rule 8.25 (application without notice) substitute—

"**Application without notice**

8.25.—(1) The application must be made without notice to the respondent.

(2) Subject to paragraph (3), the court must determine the application without notice.

(3) The court may direct that the application be determined on notice to the respondent if the court considers that to be appropriate.".

Omission of rule 8.28

5. Omit rule 8.28 (direction that application be dealt with by a district judge of the principal registry).

Amendment of rule 9.5

6. In rule 9.5 (where to start proceedings) omit paragraph (3) and the words in brackets which follow that paragraph.

Amendment of rule 9.15

7. In rule 9.15 (duties of the court at the first appointment) for paragraph (4) substitute—

"(4) The court must direct that the case be referred to a FDR appointment unless—

(a) the first appointment or part of it has been treated as a FDR appointment and the FDR appointment has been effective; or

(b) there are exceptional reasons which make a referral to a FDR appointment inappropriate.".

Amendment of rule 17.1

8. In rule 17.1(1) (interpretation), omit paragraph (a).

Transitional provision

9.—(1) In this rule, "civil partnership order" and "matrimonial order" have the meanings given in rule 2.3 of the FPR 2010.

(2) The amendment made to the FPR 2010 by rule 8 applies to—

(a) an application for a matrimonial order or a civil partnership order; or

(b) an answer to an application for a matrimonial order or a civil partnership order,

that is filed with the court on or after 7th August 2017.

(3) Paragraph (4) applies where—

(a) an application for a matrimonial order or a civil partnership order; or

(b) an answer to an application for a matrimonial order or a civil partnership order,

is filed with the court in the period beginning on 7th August 2017 and ending on 4th September 2017.

(4) The application or answer may be filed as if the amendment to the FPR 2010 made by rule 8 had not been made.