STATUTORY INSTRUMENTS

2015 No. 1420 (L. 15)

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

The Family Procedure (Amendment No. 2) Rules 2015

Made - - - -	*24th June 2015*
Laid before Parliament	*26th June 2015*
Coming into force in accordance with rule 1	

The Family Procedure Rule Committee makes the following rules in exercise of the powers conferred by section 48 of the Civil Jurisdiction and Judgments Act 1982(**1**), section 110(4) of the County Courts Act 1984(**2**), paragraph 14(2) of Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003(**3**) and sections 75 and 76 of the Courts Act 2003(**4**), after consulting in accordance with section 79 of the Courts Act 2003.

Citation and commencement

1.—(1) These Rules may be cited as the Family Procedure (Amendment No. 2) Rules 2015.

(2) This rule and rules 2 to 17 come into force on 17th July 2015.

(3) Rules 24 and 25 come into force on 31st July 2015.

(4) The remainder of these Rules come into force on 24th August 2015.

Amendment of the Family Procedure Rules 2010

2. The Family Procedure Rules 2010(**5**) are amended in accordance with rules 3 to 25.

(**1**) 1982 c.27. Section 48 was amended by paragraph 23 of Schedule 2 to the Civil Jurisdiction and Judgments Act 1991 (c.12), paragraph 86 of Schedule 11 to the Crime and Courts Act 2013 (c.22) and by S.I. 2001/3929, 2011/1215, 2012/1770 and 2014/2947.

(**2**) 1984 c.28. Section 110 was amended by paragraph 10 of Schedule 9 to the Crime and Courts Act 2013 and by S.I. 2002/439.

(**3**) 2003 c.31. Part 1 of Schedule 2 was inserted by section 73(2) of the Serious Crime Act 2015 (c.9).

(**4**) 2003 c.39. Section 75 was amended by paragraph 338 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c.4) and by paragraph 91 of Schedule 10 to the Crime and Courts Act 2013. Section 76 was amended by section 62(7) of the Children Act 2004 (c.31), paragraph 172 of Schedule 27 to the Civil Partnership Act 2004 (c.33), paragraph 29 of Schedule 1 to the Constitutional Reform Act 2005 and paragraph 92 of Schedule 10 to the Crime and Courts Act 2013.

(**5**) S.I. 2010/2955. Relevant amending instruments are S.I. 2011/1328, 2012/679 and 2806, 2013/3204, 2014/667 and 3296 and 2015/913.

Amendment of the heading to Part 11

3. In the heading to Part 11 (applications under Part 4A of the Family Law Act 1996) after "1996" insert "OR PART 1 OF SCHEDULE 2 TO THE FEMALE GENITAL MUTILATION ACT 2003".

Amendment of rule 11.1

4. In rule 11.1 (scope and interpretation)—

(a) in paragraph (1) after "Act" insert "and under Part 1 of Schedule 2 to the 2003 Act";

(b) in paragraph (2)—

(i) before the definition of "a forced marriage protection order" insert—

""the 2003 Act" means the Female Genital Mutilation Act 2003;

"a FGM protection order" means an order under paragraph 1(1) of Part 1 of Schedule 2 to the 2003 Act;";

(ii) in the definition of "a forced marriage protection order" omit "and";

(iii) after the definition of "a forced marriage protection order" insert—

""a protection order" means a forced marriage protection order or a FGM protection order; and"; and

(iv) in the definition of "the person who is the subject of proceedings"—

(aa) omit "forced marriage"; and

(bb) for "such an" substitute "the protection".

Amendment of rule 11.2

5. In rule 11.2 (applications)—

(a) in paragraph (1) omit "forced marriage";

(b) in paragraph (2) for "sworn" substitute "witness"; and

(c) in paragraph (3) omit "forced marriage".

Insertion of new rule 11.2A

6. After rule 11.2 insert—

"**Directions about service**

11.2A.—(1) Where rules within this Part require the person who is the subject of proceedings to be served with any documents or informed of any action taken by the court, and that person is not the applicant and is—

(a) a child;

(b) a person, not being a party, who lacks or may lack capacity within the meaning of the 2005 Act; or

(c) a protected party;

the court must give directions about the persons who are to be served or informed.

(2) This rule applies to rules 11.3(3)(c), 11.4(1)(b), 11.6(3)(c) and 11.7(3).".

Amendment of rule 11.3

7. In rule 11.3 (permission to apply)—

(a) before paragraph (1) insert—

"(A1) An application for permission to apply for a protection order may be made without notice.";

(b) in paragraph (1)—

(i) omit "forced marriage";

(ii) in sub-paragraph (a)(iv), before "the applicant's" insert "in relation to an application for permission to apply for a forced marriage protection order only,"; and

(c) in paragraph (4) omit "forced marriage".

Amendment of rule 11.4

8. In rule 11.4 (service of applications on notice)—

(a) in paragraph (3) after "applicant" insert ", acting in person,";

(b) omit paragraph (5); and

(c) in paragraph (6) after "personal service" insert "on each party served".

Amendment of rule 11.6

9. In rule 11.6 (parties)—

(a) before paragraph (1) insert—

"(A1) Where the person who is the subject of proceedings is not the applicant and is a child, the court must consider, at every stage in the proceedings, whether to make that child a party to proceedings.

(For when a child should be made a party to proceedings generally see paragraph 7 of Practice Direction 16A).";

(b) in paragraph (3)(b) omit "forced marriage"; and

(c) in paragraph (5)(a) omit "forced marriage".

Amendment of rule 11.7

10. In rule 11.7(1) (hearings and service of orders) omit "forced marriage".

Amendment of rule 11.8

11. In rule 11.8(1) (orders made by the court of its own initiative)—

(a) omit "forced marriage"; and

(b) after "1996 Act" insert "or under paragraph 2 of Part 1 of Schedule 2 to the 2003 Act".

Amendment of rule 11.10

12. In rule 11.10 (applications to vary, extend or discharge an order) omit "forced marriage".

Amendment of rule 11.12

13. In rule 11.12 (service of an order on the officer for the time being in charge of a police station)—

(a) in paragraph (1)—

(i) omit "forced marriage"; and

(ii) in sub-paragraph (a) after "proceedings;" for "or" substitute "and";

(b) in paragraph (2)—

(i) after "respondent(s)" insert "and any other person whose breach of the order would be an offence"; and

(ii) for "has" substitute "have"; and

(c) in both places where it occurs in paragraph (4) omit "forced marriage".

Amendment of rule 11.13

14. In rule 11.13(1) (application for issue of warrant for arrest) after "1996 Act" insert "or under paragraph 7(1) of Part 1 of Schedule 2 to the 2003 Act".

Amendment of rule 11.14

15. In rule 11.14 (proceedings following arrest)—

(a) in paragraph (1)(b) after "1996 Act" insert "or under paragraph 7(1) of Part 1 of Schedule 2 to the 2003 Act"; and

(b) in the words in parentheses at the end of the rule, after "1996 Act" insert "and in paragraphs 8 to14 of Part 1 of Schedule 2 to the 2003 Act".

Amendment of rule 11.15

16. In rule 11.15 (enforcement of orders and undertakings)—

(a) in paragraph (1) omit "forced marriage"; and

(b) in the words in parentheses at the end of the rule, before "rule 37.4(4)" insert "section 63E of the 1996 Act and".

Amendment of rule 11.19

17. In rule 11.19(1) (recognizances) after "1996 Act" insert "or paragraph 10(3)(b) of Part 1 of Schedule 2 to the 2003 Act".

Amendment of rule 33.9

18. In rule 33.9 (interpretation), in the definition of "judgment summons", for "Debtor's" substitute "Debtors".

Amendment of rule 33.11

19. In rule 33.11 (judgment summons), for paragraphs (2) and (3) substitute—

"(2) A judgment summons must be accompanied by the statement referred to in rule 33.10(2).

(3) A judgment summons must be served on the debtor—

(a) personally; or

(b) by the court sending it to the debtor by first class post—

(i) at the address stated in the application for the issue of a judgment summons; or