

2012 No. 2046 (L. 7)

FAMILY PROCEEDINGS

SENIOR COURTS OF ENGLAND AND WALES

COUNTY COURTS, ENGLAND AND WALES

MAGISTRATES' COURTS, ENGLAND AND WALES

The Family Procedure (Amendment No. 3) Rules 2012

<i>Made</i>	- - - -	<i>31st July 2012</i>
<i>Laid before Parliament</i>		<i>7th August 2012</i>
<i>Coming into force</i>	- -	<i>30th September 2012</i>

The Family Procedure Rule Committee makes the following rules in exercise of the powers conferred by sections 75 and 76 of the Courts Act 2003(a), after consulting in accordance with section 79 of the Courts Act 2003.

Citation and commencement

1. These Rules may be cited as the Family Procedure (Amendment No. 3) Rules 2012 and come into force on 30 September 2012.

Amendments to the Family Procedure Rules 2010

2.—(1) The Family Procedure Rules 2010(b) are amended in accordance with rules 3 to 5 of these Rules.

(2) A reference in rules 3 to 5 of these Rules to a rule or paragraph of a rule by number alone is a reference to the rule or paragraph of that rule so numbered in the Family Procedure Rules 2010.

3. In rule 2.3(c)—

(a) in paragraph (1)—

(i) in the definition of “CCR”, at the end insert “subject to paragraph (4)”; and

(ii) in the definition of “RSC”, at the end insert “subject to paragraph (4)”; and

(a) 2003 c.39. Section 75 was amended by sections 15(1) and 146 of and paragraphs 308 and 338 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c.4). Section 76 was amended by section 26(7) of the Children Act 2004, section 261(1) of and paragraph 172 of Schedule 27 to the Civil Partnership Act 2004 (c.33), section 12(2) of and paragraph 29 of Part 2 of Schedule 1 to the Constitutional Reform Act 2005 and section 25 of and paragraph 14 of Part 2 of Schedule 3 to the Children, Schools and Families Act 2010 (c.26).

(b) S.I. 2010/2955.

(c) Rule 2.3(1) was amended by S.I. 2011/1328 and S.I. 2012/679.

(b) in paragraph (3), for “Where” substitute “Subject to paragraph (4), where”; and

(c) after paragraph (3), insert—

“(4) Where these Rules apply RSC Order 52 and CCR Order 29, they apply those rules as they appeared in Schedule 1 and Schedule 2 to the CPR on 30 September 2012.”.

4. In rule 12.58—

(a) Omit the definition of “Central Authority”; and

(b) after the definition of “Contracting State” insert—

““domestic Central Authority” means—

(a) where the matter relates to the Council Regulation, the Lord Chancellor;

(b) where the matter relates to the 1996 Hague Convention in England, the Lord Chancellor;

(c) where the matter relates to the 1996 Hague Convention in Wales, the Welsh Ministers;”.

5. In rules 12.59, 12.60, 12.63, 12.67, 12.69 and 12.70, for the words “Central Authority for England and Wales” each time they appear substitute “domestic Central Authority”.

Jill Black, L.J.
Richard Burton
Paul Carr
Chris Darbyshire
Bruce Edgington
Angela Finnerty
Mike Hinchliffe
David Salter
Lucy Theis, J.
Philip Waller
John Wilson

I allow these Rules

Signed by authority of the Lord Chancellor

31st July 2012

J. Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Procedure Rules 2010 (“the FPR”).

Rule 2.3 of the FPR makes provision for interpretation. Rule 3 of these Rules amends the definition of “RSC” and “CPR” in rule 2.3(1), and adds a new rule 2.3(4), to make it clear that when the FPR apply certain rules of the Rules of the Supreme Court and County Court Rules, they are applying those rules as they appeared at a fixed point in time, and not subject to any amendment or revocation effected after that time.

Rules 4 and 5 make amendments in Part 12 of the FPR to reflect the fact that in relation to the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement, and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children (referred to in the rules as “the 1996 Hague Convention”), there are separate Central Authorities for England and for Wales.

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STATUTORY INSTRUMENTS

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£4.00

E4201 08/2012 124201T 19585

ISBN 978-0-11-152799-3



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