

Family Procedure Rule Committee

Family Procedure Rules

An invitation to comment on the Draft
Rules, Practice Directions and Forms

Published on 28 November 2008

Responses required by 27 February 2009

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Practice Directions and Forms

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Family Procedure Rules, an invitation to comment

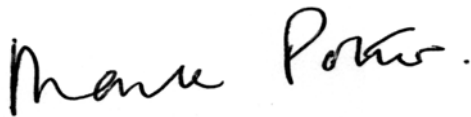
Foreword

Foreword by Sir Mark Potter, President of the Family Division of the High Court, Head of Family Justice and Chair of the Family Procedure Rule Committee.

I am pleased to be able to invite your views on the attached draft Family Procedure Rules. The Family Procedure Rule Committee has been working on these new rules for over two years and this publication contains the drafts of the rules, practice directions and forms as they stand at November 2008.

The volume and quality of the material are testimony to the skill and effort of all those who have contributed over the last two years. Members of the Family Procedure Rule Committee and its various sub committees have invested many hours of their own time hand in hand with a small but dedicated team of officials and drafting lawyers at the Ministry of Justice who have been a constant source of support and drafting expertise.

I am confident that once implemented in 2010, the new rules will significantly improve the current procedural system for Family Justice. Family court procedures will be easier to use and understand, not just for courts and practitioners, but also for individuals who find themselves involved in family proceedings. For the first time there will be a single unified code of practice for family proceedings in the magistrates' courts, county courts and the High Court.

A handwritten signature in black ink that reads "Mark Potter." The signature is written in a cursive, slightly slanted style.

Rt Hon Sir Mark Potter

President of the Family Division

Introduction and background

This paper is issued by the Family Procedure Rule Committee (“the Committee”). The consultation is aimed at those individuals who use or refer to the family rules of court in England and Wales. It should be read together with the draft Family Procedure Rules (Annex A), the main draft practice directions (Annex B), key draft forms (Annex C) and draft index of defined expressions (Annex D).

This paper contains a number of questions posed by the Committee upon which it would be grateful for responses. The Committee also welcomes comments on all or any parts of the paper, draft rules, practice directions and forms.

The Committee is sponsored by the Ministry of Justice and is authorised to make rules governing the practice and procedure to be followed in family proceedings in the High Court, county courts and magistrates’ courts. Before making rules, it is required to consult such persons as it considers appropriate (s.79(1) Courts Act 2003).

This consultation is being conducted in line with the Code of Practice on Consultation issued by the Cabinet Office. The consultation criteria, which are set out on page 38 have been followed.

Copies of the consultation paper are being sent to judiciary, practitioners, local authorities, other government departments, non departmental public bodies and representative groups.

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

Background

The Family Procedure Rule Committee (“the Committee”) is a non-Departmental Public Body established under the Courts Act 2003. It is responsible for making rules governing the practice and procedure to be followed in family proceedings in the High Court, county courts and magistrates’ courts. Its powers to make rules are to be exercised with a view to securing that (a) the family justice system is accessible, fair and efficient and (b) the rules are simple and simply expressed.

Family Procedure Rules may, instead of providing for any matter, refer to provision made or to be made about that matter by directions. Such directions have mandatory force.

The Committee has previously made the Family Procedure (Adoption) Rules 2005. It has since moved on to develop Family Procedure Rules for all family

proceedings. HMCS, in collaboration with the Committee, consulted on the policy framing these new rules in “Family Procedure Rules- a new procedural code for family proceedings” (CP 19/06). The Committee is now seeking your views on the draft rules, practice directions and forms.

The Family Procedure Rules will replace those rules currently governing the practice and procedure in family proceedings, including, in particular, the Family Proceedings Rules 1991, the Family Proceedings Courts (Children Act 1989) Rules 1991 and the Family Procedure (Adoption) Rules 2005.

Principles and approach

Principles

1. With the requirements of the Courts Act in mind, the Committee has adopted the following principles in developing the rules:

- (i) Modernisation of language.

Outdated language used in existing family rules has been modernised. Following Lord Woolf's review of the rules and procedures in civil courts, the Civil Procedure Rules 1998 ("the CPR") were made with the aim of reducing complexity and modernising language. The Committee has adopted this approach in drafting the Family Procedure Rules.

In addition to modernising the general language of the rules, the opportunity has been taken to introduce new terms to describe certain procedures and documents. Her Majesty's Courts Service (HMCS) has consulted already on these changes in terminology (CP 19/06). Although some respondents to that consultation lamented proposals to dispense with familiar terms, a majority of respondents favoured the proposals.

- (ii) Harmonisation with the Civil Procedure Rules.

It is unsatisfactory for courts and court users that the old Rules of the Supreme Court (RSC) and County Court Rules (CCR), which have been revoked for civil proceedings, are still relied upon in family proceedings in the High Court and county courts. The aim has been to harmonise the family rules with the CPR to the extent that it is appropriate. The Committee has already made the Family Procedure (Adoption) Rules 2005 using this approach.

- (iii) Creation of a single unified code of practice in addition to rules.

Family proceedings are currently supported by a number of practice directions, protocols and other forms of guidance. In accordance with the principle of simplification and increasing accessibility, the Committee's intention has been to work towards a situation where the rules and practice directions for family proceedings contain most necessary procedural guidance for court users. Section 76(8) of the Courts Act 2003 permits the Rules to refer to provision made by directions. Such directions have mandatory force.

- (iv) Alignment of procedures in all levels of court.

There are currently a number of procedural differences between family proceedings in the magistrates' courts and the county courts and High Court. The new rules govern the practice and procedure to be followed in

all three levels of court and procedures have been aligned, except where the Committee considers there are strong reasons not to do so or where it is not possible for the procedures to be aligned by the rules.

Structure of Rules

2. The Family Procedure Rules are contained in 34 Parts covering different areas of procedure and different types of proceedings. Much of the detail of the procedure to be followed is contained in practice directions supplementing the different Parts of the rules. This structure will already be familiar to those who use the CPR.
3. There remain in force many free-standing practice directions. Where existing practice directions are still relevant they will not be revoked but will remain in force to support the new rules with necessary modifications to reflect the new rules. The practice directions supporting the Family Procedure (Adoption) Rules 2005 will also remain in force except where those practice directions have been replaced by equivalent ones for all family proceedings. Clear guidance will be given as to the existing practice directions that remain in force. It is the Committee's aim eventually to consolidate all practice directions.

Forms

4. The Committee proposes to follow the CPR in prescribing the number and name of forms in practice directions. A wide range of changes to the existing forms will be required to support the new Family Procedure Rules. Forms that have received minor consequential changes are not included in the consultation. The Committee is only seeking views on draft forms that have been significantly changed. These forms are attached in annex C to this Paper.

Question 1: What are your views on the content of those forms set out in Annex C?

5. Consultees should be aware that the final appearance of the forms may differ from those attached as they may require technical adjustments for publication and or scanning purposes. They should also note that not all forms referred to in the draft practice directions and rules are included in annex C.

Family Proceedings Courts

6. As stated, one of the principles adopted by the Committee is to align the procedures between the different levels of court where possible unless there are strong reasons not to do so.
7. Historically, the jurisdiction of magistrates' courts in family proceedings has been different from the jurisdiction of other courts. Consequently, the rules of court governing the practice and procedure in the different levels of court have developed separately. Under the reforms brought about by the Children Act 1989, family proceedings courts were created and rules relating to applications in magistrates' courts under that Act largely mirror those contained in the rules governing the practice and procedure in the High Court and county courts.
8. The Committee's power to make rules for family proceedings in magistrates' courts as well as the High Court and county courts provides an opportunity to achieve closer alignment of procedure. This is consistent with the aim of making the rules easier to use and the broader drive towards a Unified Family Service.
9. Proceedings under the enactments listed in s.65 of the Magistrates' Courts Act 1980 are defined as "family proceedings". However, that section also provides that proceedings for the enforcement of any order made, confirmed or registered under any of those enactments and proceedings for the variation of any provision for the periodical payment of money contained in an order made, confirmed or registered under any of those enactments are not "family proceedings". Consequently, the Family Procedure Rules do not make provision for such proceedings. An example of rules which cannot be contained in the Family Procedure Rules are rules 20 and 21 of the Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991. The intention is that those rules will be retained for magistrates' courts but will be moved into a separate set of rules relating to enforcement and other matters in family proceedings in magistrates' courts which are outside the Committee's powers to make Family Procedure Rules.
10. Additionally, there are some areas of procedure that the Committee considers are either inappropriate for alignment or are not possible to align as its rule-making powers do not allow it to do so e.g. interim injunctions.

Justices' Clerks

11. The draft rules provide that certain functions of the court in relation to proceedings in a magistrates' court may be performed by a single justice of the peace who is a member of the family panel. The functions will be prescribed by practice direction.
12. Section 28 of the Courts Act 2003 provides that rules may be made enabling things authorised to be done by, to or before a single justice to be done instead by, to or before a justices' clerk. Such rules are made by the Lord Chancellor, with the concurrence of the Lord Chief Justice or his designated judicial office holder. Before making rules the Lord Chancellor must consult the Committee, among others.
13. Accordingly, the Family Procedure Rules do not set out the functions that may be carried out in family proceedings by justices' clerks.

Omissions

14. The attached draft rules are not entirely complete. The draft rules will be adjusted, where necessary, in line with any EC Regulations and other international instruments that apply to family proceedings.
15. The Committee is aware that issues relating to who may attend court hearings in family proceedings and concerning reporting and the disclosure of information relating to family proceedings are under policy consideration. The Committee intends to consider any adjustments necessary to these areas of the rules once policy decisions have been announced. In the meantime the draft rules do not contain an equivalent to rule 10.20A of the Family Proceedings Rules 1991 or rule 78 of the Family Procedure (Adoption) Rules 2005.
16. The draft rules will also be adjusted as necessary to support other legislation.
17. The Committee will consider its obligations to consult before making rules in relation to the areas of procedure that the attached draft rules do not cover.

The Parts of the Rules

Part 1: The Overriding Objective

(derived from CPR Part 1 and Family Procedure (Adoption) Rules Part 1)

18. The concept of an overriding objective for rules of court was introduced in the Civil Procedure Rules 1998 following the Access to Justice inquiry conducted by Lord Woolf. The inquiry's Final Report stated that ultimately the purpose of rules of court is to guide the court and the litigants towards the just resolution of the case. The rules contain detailed directions for the steps which must be taken. The effectiveness of those steps depends upon the spirit in which they are carried out. The inclusion of the overriding objective provides a compass to guide courts and litigants and legal advisers as to the general course of the rules.
19. An overriding objective has not previously been included in rules relating to family proceedings generally. However, the Family Procedure (Adoption) Rules 2005 contain an overriding objective as do the current ancillary relief rules and the President's Direction of 13 February 2008, incorporating the Public Law Outline.
20. Part 1 will apply to all family proceedings. Save for a reference to *any* welfare issues in rule 1.1(1), the Committee has adopted the overriding objective contained in the Family Procedure (Adoption) Rules 2005.

Question 2. Is the overriding objective as drafted, appropriate for family proceedings generally?

Part 2: Application and Interpretation of the Rules (new Part)

Application

21. Subject to the provisions of the Family Proceedings Rules 1991, the RSC and the CCR continue to apply to family proceedings in the High Court and county courts respectively. As the RSC and CCR have been revoked for civil proceedings since 1999, it has become increasingly unsatisfactory for family proceedings to rely on these Rules.

22. The intention is for the Family Procedure Rules to be a self-contained code of rules, practice directions and forms where possible and practicable. They will apply to family proceedings in the High Court, county courts and magistrates' courts. Some Parts of the rules are modelled on equivalent Parts of the CPR. Parts 27 (Costs) and 32 (Enforcement) contain rules applying, with modifications, certain provisions of the CPR and the intention is to include the CPR rules on these subjects in the new Family Procedure Rules rather than apply them. Where it is proposed that any particular CPR rule applies to family proceedings, the rules will be drafted so as to provide that any amendment to the CPR will not apply automatically to family proceedings. The process of reviewing the draft rules in the light of changes to the CPR is a continuous one.
23. The Civil Procedure Rules do not apply to magistrates' courts proceedings. However, the Family Procedure (Adoption) Rules 2005 containing rules modelled on the CPR do apply to proceedings in the magistrates' courts

Question 3. Are the general Parts of the rules modelled on the CPR appropriate for family proceedings in magistrates' courts?

Question 4. Have any difficulties been encountered in adoption and placement proceedings in magistrates' courts when applying the Parts of the Family Procedure (Adoption) Rules that are modelled on the CPR?

Interpretation

24. This Part contains interpretation of terms used throughout the rules. Interpretation of terms that only appear in specific Parts of the rules are contained in the relevant Part.
25. Additionally, the Committee is consulting on the index of defined expressions that has been compiled to make the rules more accessible to court users and a glossary containing an explanation of other terms.

Question 5: What are your views on the content of the glossary and the index of defined expressions?

Part 3: Alternative Dispute Resolution: The Court's Powers (new Part)

26. The rules in this Part complement the overriding objective, which includes a requirement that the court is to encourage parties to use an alternative dispute resolution procedure if it considers it appropriate. The Committee's decision to include rules relating to the court's powers in a separate Part emphasises the importance it places on encouraging alternative dispute resolution in all family proceedings, where appropriate.

Part 4: General Case Management Powers (derived from CPR Part 3)

27. This Part applies to all proceedings except where the Rules provide otherwise. It provides the powers necessary to enable the court to undertake case management actively and includes general powers and the power to give relief against sanctions. It includes rules providing that the court may exercise its powers on its own initiative. These powers are in addition to any other powers given to the court by any other rule, practice direction, enactment or any other powers it may otherwise have.

Part 5: How to Start Proceedings (derived from CPR Part 7)

28. The existing rules governing family proceedings make provision for proceedings to be commenced in a variety of ways e.g. by way of petition, originating summons, originating application. As part of its requirements to make the rules accessible and simple under the Family Procedure Rules, proceedings will generally be commenced by application.

Part 6: Service (derived from CPR Part 6, as amended by the Civil Procedure (Amendment) Rules 2008)

29. A new rule providing for service by an alternative method or at an alternative place based on the CPR is included.

30. For the first time rules governing family proceedings will make provision for service of documents by email. HMCS consulted on the policy of introducing electronic service (CP 19/06). A large majority of the responses received were in favour of the proposal, although all respondents suggested a number of restrictions and conditions that should be imposed. These included variously: (i) concerns about security of sending documents via unencrypted systems, (ii) the prescribing of certain

types of proceedings where email service should not be allowed e.g. domestic violence, adoption, any children's proceedings and all originating documents, (iii) the possibility of allowing electronic service only between solicitors, and (iv) how proof of electronic service should be established.

31. For the purposes of this consultation, the rules and supporting practice direction in relation to electronic service replicate the provisions of the Civil Procedure Rules. That is, electronic service is only permissible where the party to be served has indicated his willingness in writing in advance to be served electronically and the requirement to enquire of the recipient any limitations to his agreement to accept service this way e.g. the format in which documents are to be sent and the maximum size of any attachments that may be received.

Question 6. Do you consider the CPR provisions on electronic service should be departed from for family proceedings? If so, in what way?

32. This Part contains provisions to give effect to the Council Regulation (EC) No. 1393/2007 on the service in the Member States of judicial and extra-judicial documents in civil and commercial matters. The draft Practice Direction "Service out of the Jurisdiction" will have the Council Regulation annexed to it. The Council Regulation is not re-produced as an annex to the draft practice direction contained in this Paper. The English text of the Service Regulation may be found in the Official Journal of the European Communities OJ L324 10 December 2007.
33. It should also be noted that Chapter 3 of Part 6 relates to service of documents other than an application for a matrimonial order or civil partnership order in the United Kingdom (as opposed to the jurisdiction). This follows the CPR but is new for family proceedings.

34. There are various provisions throughout the draft rules requiring documents to be served or sent to persons such as the children's guardian, children and family reporter or welfare officer (see for example the definition of "party" in rule 2.3 and rule 29.4(5)). The Committee welcomes views on whether there should be a rule of general application [in relation to proceedings relating to children] which states that wherever a rule requires:

- a document to be served on a party,
- a document to be sent to a party, or
- notice to be given to a party,

then it should automatically be the case that, unless the court directs otherwise, any or all of the following people must also be served with, or sent, the document, or given notice:

- a) the children's guardian
- b) the welfare officer
- c) the children and family reporter
- d) the local authority preparing a report under section 14A(8) or (9) of the Children Act 1989
- e) the officer of the Service, Welsh family proceedings officer or local authority officer acting under a duty referred to in rule 15.36
- f) the adoption agency or local authority which has prepared a report on suitability of an applicant to adopt a child, and
- g) the local authority which has prepared a report on placement for adoption.

<p>Question 7: What is your view on the proposal relating to service in children's proceedings set out in paragraph 34 above?</p>
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35. Where the children's guardian is to be served with a document, the intention is that the guardian should be served with the document at the same time as the solicitor acting for the child.

Matrimonial and civil partnership proceedings

36. The provisions relating to service of documents in matrimonial and civil partnership proceedings remain largely unchanged. Two minor changes that should be noted are that explicit provision for substituted service of an application for matrimonial/civil partnership order by way of advertisement has been omitted, given the rarity of this mode of service. Also, a bailiff's indorsement of service will be known as a certificate of service for consistency with the rest of the rules.

Part 7: Procedure for Applications in Matrimonial and Civil Partnership Proceedings (derived from Part II Family Proceedings Rules 1991)

37. The procedure to be followed in matrimonial proceedings has remained largely unchanged since the introduction of the Special Procedure for undefended divorces over 30 years ago which dispensed with the need for a court hearing.
38. The Committee proposes a number of changes with the aim of making the procedure more efficient, helping parties resolve their differences and making the rules more accessible by the elimination of some outdated language.
39. The Committee would welcome comments, in particular on the following proposed reforms:
- The rules do not require a person with whom the respondent is alleged to have committed adultery to be named. A practice direction supplementing this Part of the rules contains further dissuasion against naming alleged adulterers. (Practice Direction 7A)
 - A respondent to proceedings must file his or her own application for a matrimonial/civil partnership order within the proceedings and cannot issue a separate application. (Rule 7.14)
 - The form of statement of arrangements for the children has been made more relevant to the exercise conducted by the court under the section 41 of the Matrimonial Causes Act (MCA) 1973.
 - A party wishing to be heard on the question of costs will be required to give notice to the other party of his intention to attend the pronouncement of the conditional order. (Rule 7.20)
 - In relation to defended cases, the footnote to rule 7.21 draws attention to the court's powers to encourage the parties to use alternative dispute resolution.
 - Undefended nullity proceedings may be determined without a hearing. (Rule 7.19)
 - Detailed provisions relating to medical examinations in nullity proceedings are moved from the rules to a supporting practice direction. (Practice Direction: Medical Examinations on Applications for Annulment of Marriage)

- Where, exceptionally, a district judge makes a direction under section 41(2) MCA 1973 that a conditional order is not to be made final, the rules require that written reasons be given. (Rule 7.24)
 - In line with the approach followed throughout the rules, the requirement to swear an affidavit in support of the application for a conditional order is replaced by a requirement that the application be verified by a statement of truth. (Rule 7.18). It is proposed, additionally, that an application for a matrimonial order or civil partnership be verified by a statement of truth.
40. The statement of truth in support of an application for a conditional order must be made by the applicant but it would be permissible in certain circumstances e.g. in urgent cases, for a statement of truth supporting the application for a matrimonial or civil partnership order to be made by the applicant's solicitor.

Question 8: What are your views on those proposals relating to matrimonial and civil partnership proceedings outlined in paragraph 39 above?

Question 9. Should a statement of truth be required to verify both the application for a matrimonial/civil partnership order and the application for a conditional order?

Question 10. Should a statement of truth to verify an application for a matrimonial/civil partnership order be made by the applicant only or should it be permissible for the statement of truth to be given by the applicant's solicitor?

Part 8: Procedure for Miscellaneous Applications

41. With the exception of Chapter 2, this Part derives from Part III Family Proceedings Rules 1991.
42. The rules have been rationalised so that the various forms of relief available under the different enactments covered in this Part shall generally follow the procedure, described as "the alternative procedure". The rules governing this procedure can be found in Part 18, save for Chapter 6 which follows the Part 17 procedure (see below). Particular rules that apply to each specific area are contained in Part 8.

43. The Committee draws your attention, in particular, to: (a) applications governing the permission to apply for a financial remedy after overseas proceedings, and (b) transfers of tenancy under Schedule 7 to the Family Law Act 1996.

Application for permission to apply for a financial remedy after overseas proceedings

44. Once permission is granted to bring proceedings under Part III Matrimonial and Family Proceedings Act 1984 and Schedule 7 to the Civil Partnership Act 2004, it is proposed that the High Court judge may direct the substantive application be dealt with in the PRFD. (Rule 8.28).
45. Very often the issue that requires High Court judge involvement is the initial application for permission to bring proceedings following overseas proceedings. Once permission is granted, it is proposed that the substantive application be dealt with procedurally in the same way as any other application for a financial remedy. (see Part 9)
46. A problem that occurs under the current procedure is where a pension sharing order is made in an overseas jurisdiction relating to a pension based in this jurisdiction. The pension provider here will not recognise the pension sharing order made abroad and it is necessary to obtain a pension sharing order under Part III of the 1984 Act. Such applications are normally made by consent and with the full co-operation of the parties.
47. It is therefore proposed that where both the application for permission and substantive application proceed by consent, rules provide that proceedings may be dealt with at county court level, if evidence of the respondent's consent is filed with the application. (see rule 9.24(6)) .

Transfer of tenancy under Schedule 7 to the Family Law Act 1996

48. Where a free-standing application for a transfer of tenancy under Schedule 7 to the Family Law Act 1996 is made, the Part 18 procedure will be followed, but where such an application is contained in an application for ancillary relief, the Part 9 procedure will apply.

Part 9: Applications for a Financial Remedy (derived from Part II Family Proceedings Rules 1991)

49. In 2006 HMCS consulted (CP 19/06) on the proposal that the ‘ancillary relief rules’ that have applied since 2000 to financial applications in matrimonial proceedings should be extended to other financial applications involving a wide discretion. This will enable such proceedings to benefit from tighter case management and involve a Financial Dispute Resolution appointment for the purposes of discussion and negotiation at which parties must use their best endeavours to reach agreement on matters at issue between them. The proposals were widely supported by respondents to the consultation.
50. Consequently, rules governing the procedure for an application for a financial order in matrimonial and civil partnership proceedings are brought together in one Part with rules governing the procedure in applications under sections 27 and 35 of the Matrimonial Causes Act 1973, Part III of the Matrimonial and Family Proceedings Act 1984, Schedule 1 to the Children Act 1989 and Part 1 of the Domestic Proceedings and Magistrates’ Court Act 1978 and their respective civil partnership equivalents.
51. A simplified version of the rules with abbreviated timescales will apply to financial proceedings in the family proceedings courts. This reflects the fact that such courts do not have jurisdiction to make property adjustment or pensions orders and only a limited power to make orders for lump sum payments.
52. The following changes in procedure are also drawn to your attention:
- Where an application proceeds by consent both parties must certify in writing that they have read the other’s statement of information (Rule 9.24). This enables the court to be satisfied that the parties had knowledge of the other party’s means, as given in the statement, when agreeing to the terms of the order.
 - The rules make clear that attendance by the parties on a consent financial application is not necessary, unless the court otherwise directs. (Rule 9.24)
 - Flexibility regarding service of an application for a financial remedy is provided for by the option for service by the applicant which the current rules do not specifically permit (Rule 9.11(2))

- The little used procedure for obtaining a corresponding order (request for periodical payments order at same rate as order for maintenance pending suit) has been changed so as to provide that the Part 17 procedure (see below) based on CPR Part 23 procedure is to be used.
- The Family Procedure Rules are intended to be a self contained set of rules for all family proceedings. However, please note that in this Part the relevant Magistrates' Courts Rules 1981 are included by application rather than by incorporation, on the basis it would be disproportionate to replicate large parts of the 1981 rules for what are likely to be very few proceedings.

Part 10: Applications under Part IV of the Family Law Act 1996 (derived from Part III Family Proceedings Rules 1991)

53. This Part contains rules governing applications for an occupation order or non-molestation order under Part IV of the 1996 Act and is based upon rules contained in Part III of the Family Proceedings Rules 1991 and in the Family Proceedings Courts (Matrimonial Proceedings etc) Rules 1991.
54. They include rules to support amendments to Part IV brought about by the Domestic Violence, Crime and Victims Act 2004.

Part 11: Applications under Part 4A of the Family Law Act 1996 (derived from Part III Family Proceedings Rules 1991)

55. This Part contains rules governing proceedings under the Forced Marriage (Civil Protection) Act 2007. They are based on the rules contained in the Family Proceedings (Amendment) Rules 2008.
56. The Family Proceedings Rules were amended by placing the provisions in support of the Act in Part III. Under the Family Procedure Rules, a separate Part is devoted to the procedure under this Act.
57. The rules do not apply to proceedings in the magistrates' courts. Under the Act, there is power to extend jurisdiction to the magistrates' courts but this power has not, to date, been exercised.

58. Consultees are asked to note that applications for permission to apply for a forced marriage protection order are to follow the process set out in rule 11.3 and applications for a person to be joined or removed as a party to proceedings for a forced marriage protection order are to follow the process in rule 11.6. The process for Other Applications in Proceedings in Part 17 is not to be followed for those applications but the application notice for Part 17 is to be used.

Part 12: Proceedings Relating to Children Except Proceedings for Applications in Adoption, Placement and Related Proceedings (derived from Parts IV, IVA, V and VI Family Proceedings Rules 1991 and the Family Proceedings Courts (Children Act 1989) Rules 1991)

59. This Part is divided into six Chapters: interpretation and application; general rules; special provisions about public law proceedings, special provisions about private law proceedings, special provisions about inherent jurisdiction proceedings and proceedings under the Hague Convention, European Convention and the Council Regulation.
60. Draft rules are included to support the Practice Direction of 13 February 2008 entitled “Guide to Case Management in Public Law Proceedings”. This Part also includes rules to support Part 1 of the Children and Adoption Act 2006.
61. In terms of the structure of the rules it should also be noted that the table of parties is contained in the body of the rules and provisions regarding the giving of notice of applications, which currently appear in Appendix 3 to the 1991 Rules and Schedule 2 to the Family Proceedings Courts (Children Act 1989) Rules 1991, have been moved to a supplementary practice direction.
62. Examples of where the inherent jurisdiction of the High Court in relation to children might be used are contained in a practice direction. It should be noted that applications under the inherent jurisdiction in relation to adults are brought in the Family Division but are not family proceedings for the purposes of making these Rules.

63. Child abduction proceedings: These rules support the Child Abduction and Custody Act 1985 giving effect to the main provisions of the 1980 Hague Convention on the Civil Aspects of International Child Abduction and the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children. This Chapter also contains rules to support the articles dealing with children matters of Council Regulation (EC) No.2201/2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility. However, rules relating to recognition and enforcement under the Council Regulation are contained in Part 30 (see below).
64. The supporting Practice Direction sets out the detail of the procedure to be followed in both Convention and non-Convention cases and has been drafted with the aim of being accessible to the litigant in person.
65. Attention is drawn to paragraph 4.11 of the draft practice direction which refers to the circumstances in which the Immigration and Passport Service will maintain prohibition on issuing a passport, or further passport facilities until the child's 16th birthday. It should be noted this procedure is under review and not in force. This is a draft practice direction and does not reflect the current arrangements whereby the holder of an order must apply for renewal of a prohibition annually. The protocols referred to in paragraphs 4.12 and 4.14 are not re-produced with the draft practice direction, but the Committee intends to annex them to the eventual practice direction.

Question 11: Are there any other applications under the Child Abduction and Custody Act 1985 which should be mentioned specifically in this Practice Direction?

66. Two further supporting practice directions contain important guidance about urgent out-of-hours applications and the inherent jurisdiction of the court in relation to children.

Service of Application in Certain Proceedings Relating to Children

67. This Practice Direction contains three tables: one specifying to whom documentation should be sent in certain types of proceedings; the second specifying the minimum number of days prior to a hearing or directions appointment that proceedings should be served; and the third setting out the non-parties to whom notice should be given of proceedings/ hearing/ directions appointment. Paragraphs 68 to 71 below identify particular issues arising from the practice direction upon which the Committee would be particularly interested in receiving views.

Section 72 of the Childcare Act 2006 and section 79K of the Children Act 1989

68. Part 12 of the draft rules includes provision for orders under section 72 of the Childcare Act 2006 in relation to England and section 79K of the Children Act 1989 in relation to Wales regarding amongst other things, cancellation of the registration of a childminder. Respondents are asked to consider:

(a) would these proceedings be more appropriately placed in the definition of “emergency proceedings” in rule 12.3 rather than in the definition of “public law proceedings” in that rule?

(b) in the event that these proceedings are on notice the practice direction supporting rule 12.7 will apply.

(i) **How many days before the hearing or directions appointment should the documents referred to in the Table in paragraph 1.1 of that practice direction be served? Is 14 days appropriate as the minimum number of days before the hearing or directions appointment for the service of the documents?**

(ii) **Are the persons to whom notice is to be given of the proceedings in Box 1 of the Table in paragraph 3.1 of that Practice Direction appropriate?**

Section 79 of the Childcare Act 2006 and section 102 of the Children Act 1989

69. Part 12 of the draft rules includes provision for warrants under section 79 of the Childcare Act 2006 in relation to England and section 102 of the Children Act 1989 in relation to Wales. If these proceedings are on notice the Practice Direction supporting rule 12.7 will apply. Are respondents content with:

(a) **the respondents listed to those applications in rule 12.3?, and**

(b) **the person on whom notice is to be given in accordance with Boxes 11 and 12 of the Table in paragraph 3.1 of the practice direction to be the person preventing the exercise of the powers under section 77 of the 2006 Act or section 102 of the 1989 Act ?**

Question 12: What are your views on the specific questions on paragraphs 68 and 69 relating to the Practice Direction supplementing Part 12?

Section 39A and 39B of the Children Act 1989

70. The definition of “public law proceedings” in rule 12.3 of the draft rules includes proceedings for :

(a) an order under section 39(3A) of the Children Act 1989 varying or discharging an interim care order in so far as it imposes an exclusion requirement on a person who is not entitled to apply for an order to be discharged; and

(b) an order under section 39(3B) of the 1989 Act varying or discharging an interim care order in so far as it confers a power of arrest attached to an exclusion requirement.

71. The practice direction supporting rule 12.7 contains provisions relating to the proceedings identified in paragraph 70 above.

Question 13: How many days before the hearing or directions appointments should the documents referred to in the Table in paragraph 1.1 of that practice direction be served?

Question 14: Is one day appropriate as the minimum number of days before the hearing or directions appointment for the service of the documents?

Part 13: Procedure for Applications in Adoption, Placement and Related Proceedings (derived from Family Procedure (Adoption) Rules 2005)

72. Rules relating to these proceedings were made by the Committee in 2005 and are now brought into the full Family Procedure Rules. General provisions contained in the Family Procedure (Adoption) Rules 2005 have been moved to the appropriate Parts of the new Family Procedure Rules.

Part 14: Representation of Protected Parties (derived from CPR Part 21 and Part IX Family Proceedings Rules)

73. This Part contains special provisions which apply in proceedings involving protected parties. This Part has been separated from the Part containing more detailed provisions relating to representation of children.

Part 15: Representation of Children

74. The rules as set out in Part 15 repeat the current rule 9.5 of the Family Proceedings Rules 1991 and the supporting Practice Direction. This is in line with the response to the Department for Constitutional Affairs (DCA) consultation on the Separate Representation of Children that took place in September 2006 (CP20/06).
75. The rules as set out in Part 15 are intended to reflect the current provision for the representation of children in the Family Proceedings Rules 1991 and the Family Procedure (Adoption) Rules 2005, with some small changes for the sake of consistency. These rules include (a) the appointment of a children's guardian for subject children in specified proceedings and adoption proceedings; (b) the appointment of a litigation friend for non-subject children (cf FPR rule 9.2) and (c) the appointment of a person to represent subject children in other proceedings (cf FPR 9.5). The significant change in relation to these provisions is that the person appointed in the circumstances mentioned in (c) above is currently called a guardian ad litem, but under the new rules will be called a children's guardian.
76. The duties of the children's guardian are contained in a practice direction, rather than in the body of the rules, as they currently are in the Family Proceedings Rules 1991.
77. It should be noted that Parts 14 and 15 apply to all three levels of court. The Committee makes this provision following the consultation conducted by DCA in September 2006 on Separate Representation of Children [CP20/06].

Part 16: Statements of Truth (derived from CPR Part 22)

78. HMCS consulted on proposals (CP19/06) to introduce the use of statements of truth into the new rules in place of affidavits. A person wishing to swear an affidavit must identify a person before whom the document can be sworn and attend before them in person. This can inconvenience the individual party and cause delay as well as often requiring payment of a fee. The benefit of using a statement of truth is to simplify the procedure and reduce the likelihood of delay.
79. This does not reduce the importance of statements being given truthfully, and rules provide for the possibility of contempt of court proceedings being brought against a person who makes a false statement in a document verified by a statement of truth.

80. The response to the proposals was favourable. Statements of truth are already familiar to those who practise in civil courts.

Question 15: What are your views on the list of documents identified as requiring verification by statement of truth. (Rule 16.2)?

Part 17: Procedure for Other Applications in Proceedings (derived from CPR Part 23)

81. This Part replaces the current reliance on RSC O.32 and CCR O.13. It contains rules governing applications (i) within proceedings, (ii) to start proceedings except where some other Part of the rules prescribes the procedure, or (iii) in connection with proceedings which have been concluded.
82. Applications are generally made by application notice which replace the use of a summons or notice of application for interlocutory applications in the High Court and county courts respectively.
83. It should be noted that applications for permission to apply for an order under section 8 of the Children Act shall be made in accordance with the rules prescribed in this Part.

Question 16: Should rules provide that an application under section 91(14) Children Act 1989 (no application may be made without leave) may be refused on paper?

Part 18: Alternative Procedure for Applications (derived from CPR Part 8)

84. The CPR introduced an alternative procedure for claims that replaced in a simplified form the originating summons procedure. The Committee has adopted this procedure with modification for those proceedings that are not otherwise provided elsewhere in the rules.
85. With certain exceptions, proceedings under Part 8 of the new Rules, discussed above, will follow the alternative procedure, as will proceedings identified in rule 18.2.

86. Proceedings are commenced by application. A respondent may file written evidence but there is no provision for filing an answer to the application. The rules provide for a respondent to contend that the Part 18 procedure should not be used on the grounds that there is a substantial dispute of fact or the use of the procedure is not required or permitted by a rule or practice direction. (Rule 18.9).

Part 19: Interim Remedies and Security for Costs (derived from CPR Part 25)

87. This Part does not apply to family proceedings in magistrates' courts. The Committee concluded that it does not have the power to make provision by rule for the interim remedies listed in rule 19.2 to be available in the magistrates' courts.

88. However, magistrates do have certain free-standing powers to grant interim remedies in family proceedings e.g. interim care and supervision orders under the Children Act and interim orders for financial provision under the Domestic Proceedings and Magistrates' Courts Act.

89. It should be noted that notwithstanding the move towards using statements of truth in family proceedings, applications for freezing orders and search orders must still be supported by affidavit evidence. (Practice Direction Interim Remedies).

Part 20: Miscellaneous Rules About Disclosure and Inspection of Documents (derived from CPR Part 31)

90. Although this Part is based on CPR Part 31, it has been possible to compress the provisions of Part 31 for the purposes of family proceedings.

91. Rule 20.2 makes provision for disclosure by a person who is not a party to proceedings. In line with the principle of aligning procedures across all tiers of court where appropriate, the Committee proposes that this rule should apply to family proceedings in a magistrates' court.

Part 21: Evidence (derived from CPR Part 32)

Part 22: Miscellaneous Rules About Evidence (derived from CPR Part 33)

Part 23: Witnesses, Depositions Generally and Taking of Evidence in Member States of the European Union (derived from CPR Part 34)

92. The current Family Proceedings Rules do not contain separate Parts on evidence. The provisions of the Rules of the Supreme Court and County Court Rules apply. Under the Committee's policy of including all necessary provisions within the Family Procedure Rules themselves, it has been necessary to decide which of the CPR provisions could not apply to family proceedings and exclude them.

Question 17: Are there any provisions contained in Parts 31 - 34 of the CPR that have not been replicated, with or without modification, that might be required in family proceedings?

93. It should be noted that Part 23 contains provisions to support Council Regulation (EC) No. 1206/2001 of 28 May 2001 on co-operation between the courts of the Member States on the taking of evidence in civil or commercial matters ("the Taking of Evidence Regulation").
94. It should also be noted that the practice direction "Witnesses, Depositions and Taking of Evidence in the Member States of the European Union" will have the Council Regulation annexed to it. The Council Regulation is not reproduced as an annex to the draft contained in Annex B. The English text of the Taking of Evidence Regulation may be found in the Official Journal of the European Communities OJ L1741/1 27 June 2001.

Part 24: Experts and Assessors (derived from CPR Part 35)

95. This Part contains rules relating to the appointment and duties of an expert in family proceedings. It also contains a rule (rule 24.14) relating to the appointment of assessors.
96. The Practice Direction supporting the rules incorporates and will supersede the Practice Direction "Experts in family proceedings relating to children" that was issued simultaneously with the Public Law Outline. Annexed to the Practice Direction are suggested questions for inclusion in letters of instruction to experts, in relation to which the Committee was assisted greatly by the Experts sub-Committee of the Family Justice Council.

Part 25: Change of Solicitor (derived from CPR Part 42)

97. This Part contains provisions relating to change of solicitor and includes provision for a change of solicitor for a children's guardian. It removes the current reliance on RSC O.67 and CCR O.50.

Part 26: Hearings and Directions Appointments

98. Rule 26.2 reflects the response to the consultation “Family Procedure Rules – a new procedural code for family proceedings” that took place at the end of 2006. The rules are subject to all other rules, which is particularly relevant to without notice proceedings.
99. The rules aim to allow the justice or justices to announce a decision and give the parties a short explanation of that decision. They also allow for the supply of a copy of the order and reasons for the court’s decision by close of business on the day when the court announces its decision; or if that is not practicable no later than 72 hours from the announcement of the decision.

Part 27: Costs (derived from CPR Parts 43-47)

100. The rules largely replicate the existing costs rules in the Family Proceedings Rules together with the ancillary relief costs rules introduced in 2006. CPR Part 47 (detailed assessment of costs) will not apply to family proceedings in the magistrates’ courts.
101. Please note that the costs rules applying to ancillary relief proceedings under which the general rule is that the court will not order one party to pay the costs of another party, are being extended to all financial remedy proceedings.

Part 28: Miscellaneous (derived from Part X Family Proceedings Rules 1991)

102. This Part contains rules governing a number of general or miscellaneous matters, including provisions currently contained in Part X of the Family Proceedings Rules. It also includes rules drawn from CPR Part 40 relating to the drawing and service of orders.

Question 18: Are any additional general rules needed?

Part 29: Appeals (derived from CPR Part 52 and Part VIII Family Proceedings Rules 1991)

103. The current Family Proceedings Rules apply CPR Part 52 with modifications to appeals against detailed assessment of costs. In family proceedings, currently, an appeal lies from a decision of a district judge as of right. Under the draft rules permission to appeal from a district judge (at county court and High Court level) will be required as is the case in civil proceedings.
104. Attention is drawn to the fact that under the new rules and practice directions the only way to challenge an order made by consent will be by way of appeal. The lack of procedural guidance in the rules for challenging consent orders has been noted in the Court of Appeal. The Committee hopes that the rules now provide certainty and clarity in this area.

Part 30: Registration of Orders Under the Council Regulation and Under the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 (derived from Part VII Family Proceedings Rules 1991)

105. This Part contains rules to support the articles relating to registration of orders under the Council Regulation (EC) No 2201/2003 of 27 November 2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility. It also makes provision for the recognition and registration of judgments to which the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 apply.
106. Part 30 refers to requirements contained in a relevant practice direction. That practice direction is currently being developed and does not appear in this consultation paper.

Part 31: Registration and Enforcement of Orders (derived from Part VII Family Proceedings Rules 1991)

107. This Part contains rules relating to the registration of orders under the Maintenance Orders Act 1950 (Chapter 2), the Maintenance Orders Act 1958 (Chapter 3) and the registration and enforcement of custody orders under the Family Law Act 1986 (Chapter 4).
108. Some administrative procedures contained in the existing rules are now contained in a practice direction.

Part 32: Enforcement (derived from Part VII Family Proceedings Rules and CPR Parts 70-74)

109. This Part applies to applications for enforcement made in the High Court and county courts only. The rules do not contain provisions for the enforcement of orders in the magistrates' courts because such proceedings are not "family proceedings" for the purposes of making Family Procedure Rules.

"Pay-up summons"

110. The rules include provision initially put forward by a sub-group of the President's Ancillary Relief Advisory Group and upon which the Ministry (then the Department for Constitutional Affairs) subsequently consulted.

111. It is provided that an applicant seeking to enforce an order for the payment of money may apply for an order for such method of enforcement as the court may consider appropriate. Where such an application is made, an order that the respondent do attend court to give information about his means will be made.

112. The intention behind the Committee's proposals is to end the current state of affairs where the court frequently finds itself in the position of being unable to do justice on a particular occasion because the applicant has applied for a method of enforcement that would be ineffective in the particular case. This leads to delay and increased costs for the applicant and a potential increase in insecurity for any child adversely affected by non-payment.

Question 19: Do you consider the rule (32.3) achieves the Committee's intention?

113. Changes in terminology should be noted arising from harmonisation with the Civil Procedure Rules. The terms "garnishee" and "oral examination" will disappear to be replaced by "third party debt orders" and "orders to obtain information".

114. The rules strengthen provisions regarding undertakings, in particular to emphasise the consequences of non-compliance with a financial undertaking. Rules reflect the fact that an undertaking is enforceable as an order.

Part 33: Reciprocal Enforcement of Maintenance Orders (derived from: Part VII Family Proceedings Rules 1991; Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) Rules 1974; Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (1980 Hague Convention Countries) Rules 1980, Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (Republic of Ireland) Rules 1975, and Magistrates' Courts (Reciprocal Enforcement of Maintenance Orders) (United States of America) Rules 1995)

115. This Part contains rules relating to the Maintenance Orders (Facilities for Enforcement) Act 1920 (Chapter 1), the enforcement of maintenance orders under Part 1 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (Chapter 2) and the enforcement of maintenance orders under the Civil Jurisdiction and Judgments Act 1982 and Council Regulation (EC) No.44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ("the Judgments Regulation") (Chapter 3).

116. The main rules are modified in relation to their application to the 1980 Hague Convention Countries, the Republic of Ireland and the USA respectively. It is intended that the rules as modified will be set out in full in Annexes to the supporting Practice Direction. Annex 1 to the Practice Direction is provided as an example.

117. The rules have also been simplified, with provisions directed to court officials contained in a supplementary practice direction.

Part 34: Transitional Provisions

118. The Committee's general approach is that the new rules should apply so far as is practicable to applications and appeals made but not disposed of before the new rules come into force, but where that is not practicable for the old rules to apply. This approach is reflected in the draft rules, with the detail contained in a supplementary practice direction.

What happens next?

The Committee will examine carefully responses received to its consultation and make any revisions to the draft rules, practice directions and forms that it considers necessary. The Committee aims to finalise the rules in the summer of 2009. The Committee will work with the Ministry of Justice and HMCS towards implementing the rules as soon as the necessary changes have been made to the IT systems supporting the courts. It is expected that the new Family Procedure Rules will come into force on a date not before October 2010.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

Question 1- What are your views on the content of those forms set out in Annex C?

Question 2. Is the overriding objective as drafted, appropriate for family proceedings generally?

Question 3. Are the general Parts of the rules modelled on the CPR appropriate for family proceedings in magistrates' courts?

Question 4. Have any difficulties been encountered in adoption and placement proceedings in magistrates' courts when applying the Parts of the Family Procedure (Adoption) Rules that are modelled on the CPR?

Question 5: What are your views on the content of the glossary and the index of defined expressions?

Question 6. Do you consider the CPR provisions on electronic service should be departed from for family proceedings? If so, in what way?

Question 7: What is your view on the proposal relating to service in children's proceedings set out in paragraph 34 above?

Question 8: What are your views on those proposals relating to matrimonial and civil partnership proceedings outlined in paragraph 39 above?

Question 9. Should a statement of truth be required to verify both the application for a matrimonial/civil partnership order and the application for a conditional order?

Question 10. Should a statement of truth to verify an application for a matrimonial/civil partnership order be made by the applicant only or should it be permissible for the statement of truth to be given by the applicant's solicitor?

Question 11: Are there any other applications under the Child Abduction and Custody Act 1985 which should be mentioned specifically in this Practice Direction?

Question 12: What are your views on the specific questions on paragraphs 68 and 69 relating to the Practice Direction supplementing Part 12?

Question 13: How many days before the hearing or directions appointments should the documents referred to in the Table in paragraph 1.1 of that practice direction be served?

Question 14: Is one day appropriate as the minimum number of days before the hearing or directions appointment for the service of the documents?

Question 15: What are your views on the list of documents identified as requiring verification by statement of truth. (Rule 16.2)?

Question 16: Should rules provide that an application under section 91(14) Children Act 1989 (no application may be made without leave) may be refused on paper?

Question 17: Are there any provisions contained in Parts 31 to 34 of the CPR that have not been replicated, with or without modification, that might be required in family proceedings?

Question 18: Are any additional general rules needed?

Question 19: Do you consider the rule (32.3) achieves the Committee's intention?

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 27 February 2009 to

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Family Procedure Rule Committee
Ministry of Justice
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Extra copies

Further copies of this paper and appropriate annexes can be obtained from this address. It is also available on CD-ROM, and the rules and consultation paper are available online at www.justice.gov.uk/index.htm

Extra copies

Alternative format versions of this publication can be requested from Clive Buckley at the above address.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will

take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry of Justice.

The Ministry of Justice will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria must be reproduced within all consultation documents.

Consultation co-ordinator contact details

If you have any complaints or comments about the consultation **process** rather than about the topic covered by this paper, you should contact Daniel Webb on 020 3334 3179 or email him at Daniel.Webb@justice.gsi.gov.uk

Alternatively, you may wish to write to the address below:

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If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given under **the How to respond** section of this paper at page 36.

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