

## PRACTICE DIRECTION

# PRACTICE DIRECTIONS RELATING TO FAMILY PROCEEDINGS IN FORCE BEFORE 6TH APRIL 2011 WHICH SUPPORT THE FAMILY PROCEDURE RULES 2010

## Introduction and the Existing Practice Directions

- 1.1** The Family Procedure Rules 2010 ('the FPR 2010') come into force on 6th April 2011. The purpose of this practice direction is to inform court users of the practice directions relating (only) to family proceedings which date from before 6th April 2011 ('existing Practice Directions') but will continue to apply after that date.
- 1.2** The table in the Annex to this practice direction lists those existing Practice Directions which will continue to apply. The listed existing Practice Directions will apply to family proceedings on and after 6th April 2011 –
- (a) with the modifications outlined in the Annex (in particular that the numbering of the existing Practice Directions will be as set out in column one of the table in the Annex) and any other modifications necessary in consequence of the FPR 2010 coming into force; and
  - (b) subject to the FPR 2010 and any other practice directions supporting those rules.

## Application of Practice Direction 23B of the Civil Procedure Rules 1998

- 2.1** Paragraphs 1.1, 1.2, 1.4 and 1.5 of CPR Practice Direction 23B apply to applications under Part III of the Family Law Reform Act 1969 for the use of scientific tests to determine parentage. These applications will be made using the procedure in Part 18 of the FPR 2010 (Procedure for Other Applications in Proceedings).

# Annex

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| <i>Number</i>          | <i>Title</i>  | <i>Date</i>    | <i>Court</i>                                    | <i>Updated Rule References</i> |
|------------------------|---|----------------|---|--------------------------------|
| Practice Direction 6C  | Practice Direction (Disclosure of Addresses by Government Departments) <ul style="list-style-type: none"><li>● (amending Practice Direction of 13th February 1989)</li><li>● (NB this practice direction does not apply to requests for disclosure from HMRC and related agencies which are covered by 'Disclosure Orders against the Inland Revenue-Guidance from the President's Office (November 2003)')</li></ul> | 20 July 1995   | High Court, county court and magistrates' court |                                |
| Practice Direction 7D  | Gender Recognition Act 2004   | 5th April 2005 | High Court and county court                     |                                |
| Practice Direction 12A | Public Law Proceedings Guide to Case Management: April 2010   | April 2010     | High Court, county court and magistrates' court |                                |
| Practice Direction 12B | The Revised Private Law Programme   | April 2010     | High Court, county court and magistrates' court |                                |
| Practice Direction 12I | Applications for Reporting Restriction Orders (nb this practice direction applies to information about children and protected parties)  | 18 March 2005  | High Court                                      |                                |

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|------------------------|--|--------------------|---|---|
| Practice Direction 12J | Residence and Contact Orders: Domestic Violence and Harm   | 14th January 2009  | High Court, county court and magistrates' court   | In paragraph 10, for 'the Family Proceedings Rules 1991, rule 4.17AA and by the Family Proceedings Courts (Children Act 1989) Rules 1991, rule 17AA', substitute, 'rule 12.34 of the Family Procedure Rules 2010' |
| Practice Direction 12K | President's Direction (Children Act 1989: Exclusion Requirement)   | 17th December 1997 | High Court, county court and magistrates' court   |   |
| Practice Direction 12L | Children Act 1989: Risk Assessments under Section 16A  | 3rd September 2007 | High Court, county court and magistrates' court   |   |
| Practice Direction 12M | Family Assistance Orders: Consultation   | 3rd September 2007 | High Court, county court and magistrates' court   |   |
| Practice Direction 12N | Enforcement of Children Act 1989 Contact Orders: Disclosure of Information to Officers of the National Probation Service (High Court and county court) | 6th November 2008  | High Court and county court (The Lord Chief Justice issued a Practice Direction on this subject for the magistrates' courts mirroring the one for the High Court and county courts) |   |
| Practice Direction 12O | Practice Direction (Arrival of Child in England by Air)  | 18th January 1980  | High Court and county court   |   |
| Practice Direction 12P | Registrar's Direction(Removal from jurisdiction: issue of Passports)   | 15th May 1987      | High Court and county court   |   |

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|------------------------|---|-------------|---|---|
| Practice Direction 14A | Who Receives a Copy of the Application Form for Orders in Proceedings |             | High Court, county court and magistrates' court | In the heading, for 'Part 5, rule 24(1)(b)(ii) of the Family Procedure (Adoption) Rules 2005', substitute 'Part 14, rule 14.6(1)(b)(ii) of the Family Procedure Rules 2010'   |
| Practice Direction 14B | The First Directions Hearing-Adoptions with a Foreign Element         |             | High Court, county court and magistrates' court | In the heading, for 'Part 5, rule 26(3) of the Family Procedure (Adoption) Rules 2005', substitute 'Part 14, rule 14.8(3) of the Family Procedure Rules 2010'; and in paragraph 2, for 'rule 26(1)', substitute 'rule 14.8(1)'    |
| Practice Direction 14C | Reports by the Adoption Agency or Local Authority                     |             | High Court, county court and magistrates' court | In the heading for 'Part 5, rule 29(3) of the Family Procedure (Adoption) Rules 2005', substitute 'Part 14, rule 14.11(3) of the Family Procedure Rules 2010'   |
| Practice Direction 14D | Reports by a Registered Medical Practitioner ('Health Reports')       |             | High Court, county court and magistrates' court | In the heading for 'Part 5, rule 30(2) of the Family Procedure (Adoption) Rules 2005', substitute 'Part 14, rule 14.12(2) of the Family Procedure Rules 2010'; and in paragraph 1.1, for 'rule 30(1)', substitute 'rule 14.12(1)' |

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|------------------------|--|----------------|---|--|
| Practice Direction 14E | Communication of Information Relating to the Proceedings   |                | High Court, county court and magistrates' court | In the heading for 'Part 8, rule 78(1)(b) of the Family Procedure (Adoption) Rules 2005', substitute 'Part 14, rule 14.14(b) of the Family Procedure Rules 2010'; and in paragraph 1.1, for 'rule 78', substitute 'rule 14.14'   |
| Practice Direction 14F | Disclosing Information to an Adopted Adult   |                | High Court, county court and magistrates' court | In the heading for 'Part 8, rule 84(1)(d) of the Family Procedure (Adoption) Rules 2005', substitute 'Part 14, rule 14.18(1)(d) of the Family Procedure Rules 2010'; in paragraphs 1.1 and 1.2, for 'rule 84', substitute 'rule 14.18'; and in paragraph 1.2, for 'rule 17', substitute 'rule 5' |
| Practice Direction 27A | Family Proceedings: Court Bundles (Universal Practice to be applied in All Courts other than the Family Proceedings Court) | 27th July 2006 | High Court and county court                     |  |

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|------------------------|---|-----------------|------------------------------|--|
| Practice Direction 27B | Attendance of Media Representatives at Hearings in Family Proceedings (High Court and county courts) (This practice direction should be read as if amended by Re X (a child)(residence and contact: rights of media attendance)(2009) EWHC 1728 (Fam) [87]) | 20th April 2009 | High Court and county courts | <p>For references to ‘rule 10.28 of the Family Proceedings Rules 1991’, substitute ‘rule 27.11 of the Family Procedure Rules 2010’;</p> <ul style="list-style-type: none"> <li>● in paragraph 2.2 for ‘paragraphs (4) to (6)’, substitute ‘paragraphs (3) to (5)’;</li> <li>● in paragraph 2.3, for ‘Part 11 of the Family Proceedings Rules 1991’, substitute ‘Part 12,Chapter 7 of the Family Procedure Rules 2010 and Practice Direction 12G’;</li> <li>● in paragraph 4.2, for ‘paragraph (8)’,substitute ‘paragraph (7)’;</li> <li>● in paragraph 4.3, for ‘paragraph (3)(f)’, substitute ‘paragraph 2(f)’ and for ‘paragraph 3(g)’, substitute ‘paragraph (2)(g)’;</li> <li>● in paragraph 5.1,for paragraph(4), substitute paragraph (3);</li> <li>● in paragraph 5.2, for ‘paragraph (4)’,substitute ‘paragraph (3)’ and for ‘paragraph (4)(a)’, substitute ‘paragraph 3(a)’;</li> <li>● in paragraph 5.3, for ‘paragraph 4(a)(iii)’, substitute ‘paragraph 3(a)(iii)’;</li> </ul> |

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|------------------------|---|-----------------|---------------------|---|
| Practice Direction 27C | Attendance of Media Representatives at Hearings in Family Proceedings (Family Proceedings Court) (This practice direction should be read as if amended by Re X (a child)(residence and contact: rights of media attendance)(2009) EWHC 1728 (Fam) at [87] | 20th April 2009 | Magistrates' courts | <ul style="list-style-type: none"> <li>● in paragraph 5.4, for 'paragraph 4(b)', substitute 'paragraph 3(b)'; and</li> <li>● in paragraph 6.1, for 'paragraph (6)' substitute 'paragraph (5)'</li> </ul> <p>In paragraph 1.1, for 'rule 16A of the Family Proceedings Courts (Children Act 1989) Rules 1991 ('the Rules)', substitute 'rule 27.11 of the Family Procedure Rules 2010 ('the Rules)';</p> <ul style="list-style-type: none"> <li>● in paragraph 2.1, for references to 'rule 16A(2)' where it occurs, substitute 'rule 27.11(1)' and for 'paragraphs (3) to (5) of rule 16A', substitute;</li> <li>'paragraphs (3) to(5) of rule 27.11';</li> <li>● in paragraph 2.2, for 'rule 16A(2)', substitute 'rule 27.11(1)';</li> <li>● in paragraph 2.3 for 'Part 11C (rules relating to disclosure to third parties)', substitute 'Part 12, Chapter 7 of the Family Procedure Rules 2010 and Practice Direction 12G';</li> <li>● in paragraph 2.4, for 'rule 16A', substitute 'rule 27.11';and</li> <li>● in paragraph 4.3, for 'paragraph (1)(f)', substitute 'paragraph 2(f)' and for 'paragraph (1)(g)' substitute 'paragraph 2(g)'</li> </ul> |

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|---------------------------|--|--------------------|---|------------------------------------|
| Practice Direction<br>29B | Human Rights Act<br>1998                 | 24th July 2000     | High Court, county<br>court and<br>magistrates' court |                                    |
| Practice Direction<br>34B | Practice Note Tracing<br>Payers Overseas | 10th February 1976 | High Court and<br>county court                        |                                    |

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