



# Courts Act 2003

## 2003 CHAPTER 39

### PART 7

#### PROCEDURE RULES AND PRACTICE DIRECTIONS

##### *Family Procedure Rules and practice directions*

#### 75 Family Procedure Rules

- (1) There are to be rules of court (to be called “Family Procedure Rules”) governing the practice and procedure to be followed in family proceedings in—
  - (a) the High Court,
  - (b) county courts, and
  - (c) magistrates' courts.
- (2) Family Procedure Rules are to be made by a committee known as the Family Procedure Rule Committee.
- (3) “Family proceedings”, in relation to a court, means proceedings in that court which are family proceedings as defined by either—
  - (a) section 65 of the 1980 Act, or
  - (b) section 32 of the Matrimonial and Family Proceedings Act 1984 (c. 42).
- (4) The power to make Family Procedure Rules includes power to make different provision for different areas, including different provision—
  - (a) for a specified court or description of courts, or
  - (b) for specified descriptions of proceedings or a specified jurisdiction.
- (5) Any power to make <sup>F1</sup> . . . Family Procedure Rules is to be exercised with a view to securing that—
  - (a) the family justice system is accessible, fair and efficient, and
  - (b) the rules are both simple and simply expressed.

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: Courts Act 2003, Cross Heading: Family Procedure Rules and practice directions is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

- F1** Words in s. 75(5) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 146, Sch. 4 para. 338, Sch. 18 Pt. 2](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 paras. 11(aa), 30(b)

#### Commencement Information

- II** S. 75 partly in force; s. 75 not in force at Royal Assent see s. 110(1)(2); s. 75 in force for certain purposes at 7.10.2005 by [S.I. 2005/2744, art. 2\(2\)\(a\)](#) (with [arts. 2\(1\), 3](#))

## 76 Further provision about scope of Family Procedure Rules

- (1) Family Procedure Rules may not be made in respect of matters which may be dealt with in probate rules made <sup>F2</sup>. . . under section 127 of the 1981 Act.
- (2) Family Procedure Rules may —
  - (a) modify or exclude the application of any provision of the County Courts Act 1984 (c. 28), and
  - (b) provide for the enforcement in the High Court of orders made in a divorce county court.<sup>F3</sup> or civil partnership proceedings county court (within the meaning of Part 5 of the Matrimonial and Family Proceedings Act 1984)]
- [<sup>F4</sup>(2A) Family Procedure Rules may, for the purposes of the law relating to contempt of court, authorise the publication in such circumstances as may be specified of information relating to family proceedings held in private.]
- (3) Family Procedure Rules may modify the rules of evidence as they apply to family proceedings in any court within the scope of the rules.
- (4) Family Procedure Rules may apply any rules of court (including in particular Civil Procedure Rules) which relate to—
  - (a) courts which are outside the scope of Family Procedure Rules, or
  - (b) proceedings other than family proceedings.
- (5) Any rules of court, not made by the Family Procedure Rule Committee, which apply to proceedings of a particular kind in a court within the scope of Family Procedure Rules may be applied by Family Procedure Rules to family proceedings in such a court.
- (6) In subsections (4) and (5) “rules of court” includes any provision governing the practice and procedure of a court which is made by or under an enactment.
- (7) Where Family Procedure Rules may be made by applying other rules, the other rules may be applied—
  - (a) to any extent,
  - (b) with or without modification, and
  - (c) as amended from time to time.
- (8) Family Procedure Rules may, instead of providing for any matter, refer to provision made or to be made about that matter by directions.

#### Textual Amendments

- F2** Words in s. 76 omitted (3.4.2006) by virtue of [Constitutional Reform Act 2005 \(c. 4\), s. 12, Sch. 1 para. 29](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 7

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: Courts Act 2003, Cross Heading: Family Procedure Rules and practice directions is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**F3** Words in s. 76(2)(b) inserted (15.4.2005) by Civil Partnership Act 2004 (c. 33), s. 261(1), **Sch. 27 para. 172**; S.I. 2005/1112, **art. 2, Sch. 1**

**F4** S. 76(2A) inserted (12.4.2005) by Children Act 2004 (c. 31), **s. 62(7)**; S.I. 2005/847, **art. 2**

#### **Commencement Information**

**I2** S. 76 partly in force; s. 76 not in force at Royal Assent see s. 110(1)(2); s. 76 in force for certain purposes at 7.10.2005 by S.I. 2005/2744, **art. 2(2)(b)** (with **arts. 2(1), 3**)

## **77 Family Procedure Rule Committee**

(1) The Family Procedure Rule Committee is to consist of—

- (a) the President of the Family Division, and
- <sup>F5</sup>(b) the persons currently appointed in accordance with subsections (1A) and (1B).]

<sup>F6</sup>(1A) The Lord Chief Justice must appoint the persons falling within paragraphs (a) to (f) of subsection (2).

(1B) The Lord Chancellor must appoint the persons falling within paragraphs (g) to (o) of subsection (2).]

(2) <sup>F7</sup>[The persons to be appointed in accordance with subsections (1A) and (1B) are]—

- (a) two judges of the Supreme Court, at least one of whom must be a puisne judge attached to the Family Division,
- (b) one Circuit judge,
- (c) one district judge of the principal registry of the Family Division,
- (d) one district judge appointed under section 6 of the County Courts Act 1984 (c. 28),
- (e) one District Judge (Magistrates' Courts),
- (f) one lay justice,
- (g) one justices' clerk,
- (h) one person who has—
  - (i) a Supreme Court qualification, and
  - (ii) particular experience of family practice in the High Court,
- (i) one person who has—
  - (i) a Supreme Court qualification, and
  - (ii) particular experience of family practice in county courts,
- (j) one person who has—
  - (i) a Supreme Court qualification, and
  - (ii) particular experience of family practice in magistrates' courts,
- (k) one person who—
  - (i) has been granted by an authorised body, under Part 2 of the 1990 Act, the right to conduct litigation in relation to all proceedings in the Supreme Court, and
  - (ii) has particular experience of family practice in the High Court,
- (l) one person who—
  - (i) has been so granted that right, and
  - (ii) has particular experience of family practice in county courts,
- (m) one person who—

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: Courts Act 2003, Cross Heading: Family Procedure Rules and practice directions is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (i) has been so granted that right, and
  - (ii) has particular experience of family practice in magistrates' courts,
  - (n) one person nominated by CAF/CASS, and
  - (o) one person with experience in and knowledge of the lay advice sector or the system of justice in relation to family proceedings.
- (3) Before appointing a person [F8 in accordance with subsection (1A), the Lord Chief Justice must consult the Lord Chancellor and] the President of the Family Division.
- (4) F9 . . . . .
- (5) Before appointing a person [F10 in accordance with subsection (1B), the Lord Chancellor must consult the Lord Chief Justice and, if the person falls within any of paragraphs (h) to (m) of subsection (2), must also consult] any body which—
- (a) has members eligible for appointment under the provision in question, and
  - (b) is an authorised body for the purposes of section 27 or 28 of the 1990 Act.
- (6) The Lord Chancellor may reimburse the members of the Family Procedure Rule Committee their travelling and out-of-pocket expenses.
- [F11(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

#### Textual Amendments

- F5** S. 77(1)(b) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F6** S. 77(1A)(1B) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F7** Words in s. 77(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F8** S. 77(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F9** S. 77(4) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 146, Sch. 4 para. 339(6), **Sch. 18 Pt. 2**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 11(aa), 30(b)
- F10** Words in s. 77(5) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(7)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F11** S. 77(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 339(8)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)

## 78 Power to change certain requirements relating to Committee

- (1) The Lord Chancellor may by order—
- (a) amend section 77(2) (persons to be appointed to Committee by Lord Chancellor [F12 or Lord Chief Justice]), and
  - (b) make consequential amendments in any other provision of section 77.
- [F13(1A) The Lord Chancellor may make an order under this section only with the concurrence of the Lord Chief Justice.]
- (2) Before making an order under this section the Lord Chancellor must consult the President of the Family Division.

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: Courts Act 2003, Cross Heading: Family Procedure Rules and practice directions is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F14</sup>(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

**Textual Amendments**

- F12** Words in s. 78(1)(a) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 340\(2\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F13** S. 78(1A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 340\(3\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F14** Words in s. 78(3) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 340\(4\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(aa)

**79 Process for making Family Procedure Rules**

- (1) The Family Procedure Rule Committee must, before making Family Procedure Rules—
  - (a) consult such persons as they consider appropriate, and
  - (b) meet (unless it is inexpedient to do so).
- (2) Rules made by the Family Procedure Rule Committee must be—
  - (a) signed by a majority of the members of the Committee, and
  - (b) submitted to the Lord Chancellor.

[<sup>F15</sup>(3) The Lord Chancellor may allow or disallow rules so made.

- (4) If the Lord Chancellor disallows rules, he must give the Committee written reasons for doing so.]
- (5) Rules so made, [<sup>F16</sup>and allowed] by the Lord Chancellor—
  - (a) come into force on such day as the Lord Chancellor directs, and
  - (b) are to be contained in a statutory instrument to which the Statutory Instruments Act 1946 (c. 36) applies as if the instrument contained rules made by a Minister of the Crown.
- (6) <sup>F17</sup>. . . a statutory instrument containing Family Procedure Rules is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) <sup>F18</sup> . . . . .

**Textual Amendments**

- F15** S. 79(3)(4) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 341\(2\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F16** Words in s. 79(5) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 341\(3\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F17** Words in s. 79(6) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 146, Sch. 18 Pt. 2](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 30(b)
- F18** S. 79(7) repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 146, Sch. 18 Pt. 2](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 30(b)

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: Courts Act 2003, Cross Heading: Family Procedure Rules and practice directions is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

- I3** S. 79 partly in force; s. 79 not in force at Royal Assent see s. 110(1)(2); s. 79 in force for certain purposes at 7.10.2005 by S.I. 2005/2744, **art. 2(2)(c)** (with **arts. 2(1), 3**)

#### [<sup>F19</sup>79A Rules to be made if required by Lord Chancellor

- (1) This section applies if the Lord Chancellor gives the Family Procedure Rules Committee written notice that he thinks it is expedient for Family Procedure Rules to include provision that would achieve a purpose specified in the notice.
- (2) The Committee must make such rules as it considers necessary to achieve the specified purpose.
- (3) Those rules must be—
  - (a) made within a reasonable period after the Lord Chancellor gives notice to the Committee;
  - (b) made in accordance with section 79.]

#### Textual Amendments

- F19** S. 79A inserted (3.4.2006) by **Constitutional Reform Act 2005 (c. 4)**, s. 15, **Sch. 4 para. 342**; S.I. 2006/1014, **art. 2(a)**, **Sch. 4 para. 11(aa)**

#### 80 Power to amend legislation in connection with the rules

- <sup>F20</sup>(1) The Lord Chancellor may [<sup>F21</sup>, after consulting the Lord Chief Justice,] by order amend, repeal or revoke any enactment to the extent that he considers necessary or desirable—
- (a) in order to facilitate the making of Family Procedure Rules, or
  - (b) in consequence of section 75, 76 or 79 or Family Procedure Rules.
- [<sup>F22</sup>(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

#### Textual Amendments

- F20** S. 80 renumbered as s. 80(1) (3.4.2006) by **Constitutional Reform Act 2005 (c. 4)**, s. 15, **Sch. 4 para. 343(2)**; S.I. 2006/1014, **art. 2(a)**, **Sch. 1 para. 11(aa)**
- F21** Words in s. 80(1)(a) inserted (3.4.2006) by **Constitutional Reform Act 2005 (c. 4)**, s. 15, **Sch. 4 para. 343(3)**; S.I. 2006/1014, **art. 2(a)**, **Sch. 1 para. 11(aa)**
- F22** S. 80(2) inserted (3.4.2006) by **Constitutional Reform Act 2005 (c. 4)**, s. 15, **Sch. 4 para. 343(4)**; S.I. 2006/1014, **art. 2(a)**, **Sch. 1 para. 11(aa)**

#### Commencement Information

- I4** S. 80 partly in force; s. 80 not in force at Royal Assent see s. 110(1)(2); s. 80 in force for certain purposes at 7.10.2005 by S.I. 2005/2744, **art. 2(2)(d)** (with **arts. 2(1), 3**)

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: Courts Act 2003, Cross Heading: Family Procedure Rules and practice directions is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 81 Practice directions relating to family proceedings

(1) [<sup>F23</sup>Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005] as to the practice and procedure of—

[<sup>F24</sup>(za) the civil division of the Court of Appeal,

(zb) the High Court,]

(a) county courts, and

(b) magistrates' courts,

in family proceedings.

(2) Directions as to the practice and procedure of those courts in family proceedings [<sup>F25</sup>given otherwise than under subsection (1) may not be given without the approval of—

(a) the Lord Chancellor, and

(b) the Lord Chief Justice.]

[<sup>F26</sup>(2A) Directions as to the practice and procedure of any relevant court in family proceedings (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1 to the Civil Procedure Act 1997, may be provided for by Civil Procedure Rules.]

(3) The power to give directions under subsection (1) includes power—

(a) to vary or revoke directions as to the practice and procedure of [<sup>F27</sup>any relevant court](or any of them) in family proceedings, whether given [<sup>F28</sup>under subsection (1) or otherwise] ,

(b) to give directions containing different provision for different cases (including different areas), and

(c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.

[<sup>F29</sup>(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—

(a) the application or interpretation of the law;

(b) the making of judicial decisions.

(5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—

(a) after consulting the Lord Chancellor, and

(b) with the approval of the Lord Chief Justice.]

[<sup>F30</sup>(5) In this section—

“Civil Procedure Rules” has the same meaning as in the Civil Procedure Act 1997;

“relevant court” means a court listed in subsection (1).]

### Textual Amendments

**F23** Words in s. 81(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 13, Sch. 2 para. 9\(2\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 7](#)

**F24** S. 81(1)(za)(zb) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 15, Sch. 4 para. 344\(2\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(aa\)](#)

---

*Status: Point in time view as at 03/04/2006.*

*Changes to legislation: Courts Act 2003, Cross Heading: Family Procedure Rules and practice directions is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- F25** Words in s. 81(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 13, **Sch. 2 para. 9(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7
- F26** S. 81(2A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 344(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F27** Words in s. 81(3) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 344(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)
- F28** Words in s. 81(3)(a) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 13, **Sch. 2 para. 9(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7
- F29** S. 81(4)(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 13, **Sch. 2 para. 9(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7
- F30** S. 81(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 15, **Sch. 4 para. 344(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(aa)



**Status:**

Point in time view as at 03/04/2006.

**Changes to legislation:**

Courts Act 2003, Cross Heading: Family Procedure Rules and practice directions is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.