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STATUTORY INSTRUMENTS

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**1991 No. 1395**

**The Family Proceedings Courts (Children Act 1989) Rules 1991**

**PART II**

**GENERAL**

**Attendance at directions appointment and hearing**

**16.**—(1) Subject to paragraph (2), a party shall attend a directions appointment of which he has been given notice in accordance with rule 14(5) unless the justices' clerk or the court otherwise directs.

(2) Relevant proceedings shall take place in the absence of any party including the child if—

- (a) the court considers it in the interests of the child, having regard to the matters to be discussed or the evidence likely to be given, and
- (b) the party is represented by a guardian ad litem or solicitor;

and when considering the interests of the child under sub-paragraph (a) the court shall give the guardian ad litem, solicitor for the child and, if he is of sufficient understanding, the child, an opportunity to make representations.

(3) Subject to paragraph (4) below, where at the time and place appointed for a hearing or directions appointment the applicant appears but one or more of the respondents do not, the justices' clerk or the court may proceed with the hearing or appointment.

(4) The court shall not begin to hear an application in the absence of a respondent unless—

- (a) it is proved to the satisfaction of the court that he received reasonable notice of the date of the hearing; or
- (b) the court is satisfied that the circumstances of the case justify proceeding with the hearing.

(5) Where, at the time and place appointed for a hearing or directions appointment, one or more respondents appear but the applicant does not, the court may refuse the application or, if sufficient evidence has previously been received, proceed in the absence of the applicant.

(6) Where at the time and place appointed for a hearing or directions appointment neither the applicant nor any respondent appears, the court may refuse the application.

(7) If the court considers it expedient in the interests of the child, it shall hear any relevant proceedings in private when only the officers of the court, the parties, their legal representatives and such other persons as specified by the court may attend.