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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Family Proceedings Rules 1991. The main amendments:—

- (a) add applications under section 102(1) of the Children Act 1989 (c. 41), and appeals in specified proceedings, to the list of proceedings specified for the purposes of section 41 of the 1989 Act. Provision is also made for section 102(1) applications to be made ex parte,
- (b) provide that jurisdiction under sections 1 and 2 of the Domestic Violence and Matrimonial Proceedings Act 1976(1) may be exercised by a district judge,
- (c) provide for the transfer of proceedings from a county court to a magistrates' court,
- (d) partially exempt the Official Solicitor from a guardian ad litem's general duty under the rules to appoint a solicitor for a child,
- (e) provide that a minor must be represented on any application to place him in secure accommodation,
- (f) require notice of any application in respect of a child to be given to the provider of any refuge in which the child is staying, and
- (g) provide for appeals under section 13 of the Administration of Justice Act 1960.

Minor amendments expand a footnote to the pre-amble to the main rules, replace an obsolete reference to estate duty, insert references to the prescribed form for injunction applications to the Children (Allocation of Proceedings) Order 1991, ensure that the disapplication of rule 9.1(2) of the main rules applies only to minors who are the subject of an application, amend a cross reference and clarify the relationship between rules 2.3 and 10.21.

This Order also amends forms CHA 15, 17, 31 and 57, inserts new forms M31 and CHA 66, 67, 68 and 69 and makes consequential amendments to Appendix 3 of the main Rules.

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(1) 1976 c. 50. Section 2 was amended by the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), Schedule 2, paragraph 53.