
STATUTORY INSTRUMENTS

2005 No. 2795

The Family Procedure (Adoption) Rules 2005

PART 7

**LITIGATION FRIEND, CHILDREN'S GUARDIAN, REPORTING
OFFICER AND CHILDREN AND FAMILY REPORTER**

SECTION 1

LITIGATION FRIEND

Circumstances in which the non-subject child does not need a litigation friend

51.—(1) A non-subject child may conduct proceedings without a litigation friend—

- (a) where he has obtained the court's permission to do so; or
- (b) where a solicitor—
 - (i) considers that the non-subject child is able, having regard to his understanding, to give instructions in relation to the proceedings; and
 - (ii) has accepted instructions from that child to act for him in the proceedings and, if the proceedings have begun, he is already acting.

(2) An application for permission under paragraph (1)(a) may be made by the non-subject child without notice.

(3) Where a non-subject child has a litigation friend in proceedings and he wishes to conduct the remaining stages of the proceedings without a litigation friend, the non-subject child may apply to the court, on notice to the litigation friend, for permission for that purpose and for the removal of the litigation friend.

(4) Where the court is considering whether to—

- (a) grant permission under paragraph (1)(a); or
- (b) grant permission under paragraph (3) and remove a litigation friend

it will grant the permission sought and, as the case may be, remove the litigation friend if it considers that the non-subject child concerned has sufficient understanding to conduct the proceedings concerned or proposed without a litigation friend.

(5) In exercising its powers under paragraph (4) the court may require the litigation friend to take such part in the proceedings as the court directs.

(6) The court may revoke any permission granted under paragraph (1)(a) where it considers that the non-subject child does not have sufficient understanding to participate as a party in the proceedings concerned without a litigation friend.

(7) Where a solicitor is acting for a non-subject child in proceedings without a litigation friend by virtue of paragraph (1)(b) and either of the conditions specified in paragraph (1)(b)(i) or (ii) cease to be fulfilled, he must inform the court immediately.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) Where—

(a) the court revokes any permission under paragraph (6); or

(b) either of the conditions specified in paragraph (1)(b)(i) or (ii) is no longer fulfilled

the court may, if it considers it necessary in order to protect the interests of the non-subject child concerned, appoint a person to be that child's litigation friend.