

**2008 No. 2447 (L. 12)**

**FAMILY PROCEEDINGS, ENGLAND AND WALES**

**The Family Procedure (Adoption) (Amendment) Rules 2008**

*Made* - - - - - *16th September 2008*

*Laid before Parliament* *18th September 2008*

*Coming into force* - - - *3rd November 2008*

The Family Procedure Rules Committee makes the following Rules in exercise of the powers conferred by section 75(2) and (4) of the Courts Act 2003(a).

In accordance with section 79 of the Courts Act 2003(b) the Committee has consulted with persons it considered appropriate.

**Citation and commencement**

1. These Rules may be cited as the Family Procedure (Adoption) (Amendment) Rules 2008 and shall come into force on 3rd November 2008.

**Amendment to the Family Procedure (Adoption) Rules 2005**

2.—(1) The Family Procedure (Adoption) Rules 2005(c) shall be amended in accordance with this rule.

(2) In rule 55(1)(a), at the end insert “(if he consents)”.

(3) In rule 95, after paragraph (2) add—

“(3) This rule does not apply to magistrates’ courts.”

*Duncan Adam*  
*John Baker*  
*Martyn Cook*  
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*Charles Hyde*  
*Susan Jones*  
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*Nicholas Wall*  
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(a) 2003 c.39. Section 75 was amended by sections 15(1) and 146 of, and paragraphs 308 and 338 of Schedule 4 to, and Part 2 of Schedule 18 to, the Constitutional Reform Act 2005 (c.4).

(b) Section 79 was amended by section 15(1) of, and paragraphs 308 and 341 of Schedule 4 to, the Constitutional Reform Act 2005.

(c) SI 2005/2795. Rule 55 was amended by S.I. 2007/2189.

I allow these Rules

16th September 2008

*Michael Wills*  
Minister of State  
Ministry of Justice

**EXPLANATORY NOTE**

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

These Rules amend the Family Procedure (Adoption) Rules 2005 by amending—

- (a) rule 55(1)(a) (power of the court to make an order appointing the Official Solicitor as litigation friend) so as to clarify that such an order may be made only if the Official Solicitor consents; and
- (b) rule 95 (Power of the court to proceed in the absence of a party) by adding new paragraph (3) providing that rule 95 is not to apply to magistrates' courts.

The amendments come into force on 3rd November 2008.

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