
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Proceedings Courts (Children Act 1989) Rules 1991 (“the 1991 Rules”).

Rules 3, 4, 6 to 12 and 13(d) and (e) amend the 1991 Rules in relation to the coming into force of sections 1 to 3 of the Children and Adoption Act 2006 (c.20), which amend the Children Act 1989 (c.41) (“the 1989 Act”).

Rule 4 amends rule 1(2) of the 1991 rules to insert new defined terms.

Rules 6, 7, 8, 9, 10 and 12 amend the 1991 Rules to ensure that various provisions that already apply in respect of certain officers of the Service or Welsh family proceedings officers will also apply in respect of such officers undertaking the roles referred to in rule 11AA of the 1991 Rules as amended by rule 8.

Rule 11 amends rule 16 of the 1991 Rules to ensure that a court cannot make specified orders in the absence of a given party where the court does not yet have sufficient information to enable it to determine the matter.

Rule 13 makes amendments to Schedule 1 to the 1991 Rules. Form C42 in that Schedule is amended by rule 13(d) to ensure consistency with the same form used in the Family Proceedings Rules 1991. Form C43 in Schedule 1 to the 1991 Rules is amended by rule 13(e) to provide that where there are no proceedings pending an officer of the Service or Welsh family proceedings officer who makes a risk assessment under section 16A of the 1989 Act has the ability to apply to the court to revive the previous proceedings and to consider the risk assessment. The amendment to the Form C43 also includes a warning notice as required by section 11I of the 1989 Act.

Rule 13(c) amends Schedule 1 to the 1991 Rules to insert a new Form C100 for use when applying for an order under section 8 of the 1989 Act. Consequential amendments to other rules and to other forms and are made by rules 5 and 13(a) and (b). Transitional provision in respect of these amendments is made by rule 14.