
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 2

APPLICATION AND INTERPRETATION OF THE RULES

Application of these Rules

- [^{F1}2.1. Unless the context otherwise requires, these rules apply to family proceedings in—
- (a) the High Court; and
 - (b) the family court.]

Textual Amendments

- F1** Rule 2.1 substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, 3 (with rule 137); S.I. 2014/954, art. 2

The glossary

2.2.—(1) The glossary at the end of these rules is a guide to the meaning of certain legal expressions used in the rules, but is not to be taken as giving those expressions any meaning in the rules which they do not have in the law generally.

(2) Subject to paragraph (3), words in these rules which are included in the glossary are followed by “GL”.

(3) The word “service”, which appears frequently in the rules, is included in the glossary but is not followed by “GL”.

Interpretation

2.3.—(1) In these rules—

[^{F2}“the 1958 Act” means the Maintenance Orders Act 1958;]

“the 1973 Act” means the Matrimonial Causes Act 1973 ^{M1};

“the 1978 Act” means the Domestic Proceedings and Magistrates' Courts Act 1978 ^{M2};

“the 1980 Hague Convention” means the Convention on the Civil Aspects of International Child Abduction which was signed at The Hague on 25 October 1980;

“the 1984 Act” means the Matrimonial and Family Proceedings Act 1984 ^{M3};

“the 1986 Act” means the Family Law Act 1986 ^{M4};

“the 1989 Act” means the Children Act 1989;

“the 1990 Act” means the Human Fertilisation and Embryology Act 1990 ^{M5};

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“the 1991 Act” means the Child Support Act 1991 ^{M6};

“the 1996 Act” means the Family Law Act 1996 ^{M7};

“the 1996 Hague Convention” means the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children;

“the 2002 Act” means the Adoption and Children Act 2002;

“the 2004 Act” means the Civil Partnership Act 2004;

“the 2005 Act” means the Mental Capacity Act 2005 ^{M8};

[^{F3}“the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and other forms of Family Maintenance done at The Hague on 23 November 2007;]

“the 2008 Act” means the Human Fertilisation and Embryology Act 2008 ^{M9};

[^{F4}“the 2014 Act” means the Children and Families Act 2014]

“adoption proceedings” means proceedings for an adoption order under the 2002 Act;

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“application form” means a document in which the applicant states his intention to seek a court order other than in accordance with the Part 18 procedure;

“application notice” means a document in which the applicant states his intention to seek a court order in accordance with the Part 18 procedure;

[^{F7}“Article 11 form” means a form published by the Permanent Bureau of the Hague Conference under Article 11(4) of the 2007 Hague Convention for use in relation to an application under Article 10 of that Convention, and includes a Financial Circumstances Form as defined in rule 9.3(1) which accompanies such an application;]

“Assembly” means the National Assembly for Wales;

“bank holiday” means a bank holiday under the Banking and Financial Dealings Act 1971 ^{M10} —

(a) for the purpose of service of a document within the United Kingdom, in the part of the United Kingdom where service is to take place; and

(b) for all other purposes, in England and Wales.

“business day” means any day other than—

(a) a Saturday, Sunday, Christmas Day or Good Friday; or

(b) a bank holiday;

“care order” has the meaning assigned to it by section 31(11) of the 1989 Act;

“CCR” means the County Court Rules 1981, as they appear in Schedule 2 to the CPR ^{F8}...;

“child” means a person under the age of 18 years who is the subject of the proceedings; except that—

(a) in adoption proceedings, it also includes a person who has attained the age of 18 years before the proceedings are concluded; and

(b) in proceedings brought under ^{F9}... the 1980 Hague Convention or the European Convention, it means a person under the age of 16 years who is the subject of the proceedings;

[^{F10}“child arrangements order” has the meaning given to it by section 8(1) of the 1989 Act;]

“child of the family” has the meaning given to it by section 105(1) of the 1989 Act;

“children and family reporter” means an officer of the Service or a Welsh family proceedings officer who has been asked to prepare a welfare report under section 7(1)(a) of the 1989^{M11} Act or section 102(3)(b) of the 2002 Act;

“children's guardian” means—

(a) in relation to a child who is the subject of and a party to specified proceedings or proceedings to which Part 14 applies, the person appointed in accordance with rule 16.3(1); and

(b) in any other case, the person appointed in accordance with rule 16.4;

“civil partnership order” means one of the orders mentioned in section 37 of the 2004 Act;

“civil partnership proceedings” means proceedings for a civil partnership order;

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...

“civil restraint order” means an order restraining a party—

(a) from making any further applications in current proceedings (a limited civil restraint order);

(b) from making certain applications in specified courts (an extended civil restraint order); or

(c) from making any application in specified courts (a general civil restraint order);

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“consent order” means an order in the terms applied for to which the respondent agrees;

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“court” means, subject to any rule or other enactment which provides otherwise, the High Court, [^{F15}or the family court];

(rule 2.5 relates to the power to perform functions of the court.)

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“court officer” means [^{F17}a member of court staff];

“CPR” means the Civil Procedure Rules 1998;

“deputy” has the meaning given in section 16(2)(b) of the 2005 Act;

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“detailed assessment proceedings” means the procedure by which the amount of costs is decided in accordance with Part 47 of the CPR;

“directions appointment” means a hearing for directions;

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“the European Convention” means the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children which was signed in Luxembourg on 20 May 1980;

“filing”, in relation to a document, means delivering it, by post or otherwise, to the court office;

“financial order” means—

(a) an avoidance of disposition order;

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- (b) an order for maintenance pending suit;
- (c) an order for maintenance pending outcome of proceedings;
- (d) an order for periodical payments or lump sum provision as mentioned in section 21(1) of the 1973 Act ^{M12}, except an order under section 27(6) of that Act ^{M13};
- (e) an order for periodical payments or lump sum provision as mentioned in paragraph 2(1) of Schedule 5 to the 2004 Act, made under Part 1 of Schedule 5 to that Act;
- (f) a property adjustment order;
- (g) a variation order;
- (h) a pension sharing order; or
- (i) a pension compensation sharing order; (“variation order”, “pension compensation sharing order” and “pension sharing order” are defined in rule 9.3.)

“financial remedy” means—

- (a) a financial order;
- (b) an order under Schedule 1 to the 1989 Act;
- (c) an order under Part 3 of the 1984 Act [^{F22}except an application under section 13 of the 1984 Act for permission to apply for a financial remedy] ;
- (d) an order under Schedule 7 to the 2004 Act [^{F23}except an application under paragraph 4 of Schedule 7 to the 2004 Act for permission to apply for an order under paragraph 9 or 13 of that Schedule] ;
- (e) an order under section 27 of the 1973 Act;
- (f) an order under Part 9 of Schedule 5 to the 2004 Act;
- (g) an order under section 35 of the 1973 Act ^{M14};
- (h) an order under paragraph 69 of Schedule 5 to the 2004 Act;
- (i) an order under Part 1 of the 1978 Act;
- (j) an order under Schedule 6 to the 2004 Act;
- (k) an order under section 10(2) of the 1973 Act ^{M15}; or
- (l) an order under section 48(2) of the 2004 Act;

“hearing” includes a directions appointment;

“hearsay” means a statement made, otherwise than by a person while giving oral evidence in proceedings, which is tendered as evidence of the matters stated, and references to hearsay include hearsay of whatever degree;

[^{F24}“incoming protection measure” means a protection measure that has been ordered in a Member State of the European Union other than ^{F25}...Denmark;]

“inherent jurisdiction” means the High Court's power to make any order or determine any issue in respect of a child, including in wardship proceedings, where it would be just and equitable to do so unless restricted by legislation or case law; (Practice Direction 12D (Inherent Jurisdiction (including Wardship Proceedings)) provides examples of inherent jurisdiction proceedings.)

[^{F26}“judge” means—

- (a) in the High Court, a judge or a district judge of that court (including a district judge of the principal registry) or a person authorised to act as such; and
- (b) in the family court, a person who is—

- (i) the Lord Chief Justice;
- (ii) the Master of the Rolls;
- (iii) the President of the Queen's Bench Division;
- (iv) the President of the Family Division;
- (v) the Chancellor of the High Court;
- (vi) an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court);
- (vii) the Senior President of Tribunals;
- (viii) a puisne judge of the High Court;
- (ix) a deputy judge of the High Court;
- (x) a person who has been a judge of the Court of Appeal or a puisne judge of the High Court who may act as a judge of the family court by virtue of section 9 of the Senior Courts Act 1981;
- (xi) the Chief Taxing Master;
- (xii) a taxing master of the Senior Courts;
- (xiii) a person appointed to act as a deputy for the person holding office referred to in sub-paragraph (xii) or to act as a temporary additional officer for any such office;
- (xiv) a circuit judge;
- (xv) a Recorder;
- (xvi) the Senior District Judge of the Family Division;
- (xvii) a district judge of the principal registry;
- (xviii) a person appointed to act as a deputy for the person holding office referred to in sub-paragraph (xvii) or to act as a temporary additional office holder for any such office;
- (xix) a district judge;
- (xx) a deputy district judge appointed under section 102 of the Senior Courts Act 1981 or section 8 of the County Courts Act 1984;
- (xxi) a District Judge (Magistrates' Courts);
- (xxii) a lay justice;
- (xxiii) any other judge referred to in section 31C(1) of the 1984 Act who is authorised by the President of the Family Division to conduct particular business in the family court;]

“jurisdiction” means, unless the context requires otherwise, England and Wales and any part of the territorial waters of the United Kingdom adjoining England and Wales;

[^{F27}“justices’ legal adviser” means a person authorised to exercise functions under section 67B of the Courts Act 2003 who has such qualifications as are prescribed by the Authorised Court Staff (Legal Advice Functions) Qualifications Regulations 2020;]

[^{F28}“lay justice” means a justice of the peace who is not a District Judge (Magistrates’ Courts);]

“legal representative” means a—

- (a) barrister;
- (b) solicitor;
- (c) solicitor's employee;

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- (d) manager of a body recognised under section 9 of the Administration of Justice Act 1985^{M16}, or
- (e) person who, for the purposes of the Legal Services Act 2007^{M17}, is an authorised person in relation to an activity which constitutes the conduct of litigation (within the meaning of the Act),

who has been instructed to act for a party in relation to proceedings;

“litigation friend” has the meaning given—

- (a) in relation to a protected party, by Part 15; and
- (b) in relation to a child, by Part 16;

^{F29} ...

“matrimonial cause” means proceedings for a matrimonial order;

“matrimonial order” means—

- (a) a decree of divorce made under section 1 of the 1973 Act^{M18};
- (b) a decree of nullity made on one of the grounds set out in [^{F30}section 11, 12 or 12A] of the 1973 Act^{M19};
- (c) a decree of judicial separation made under section 17 of the 1973 Act^{M20};

[^{F31}“non-court dispute resolution” means methods of resolving a dispute, including mediation, other than through the normal court process;]

“note” includes a record made by mechanical means;

“officer of the Service” has the meaning given by section 11(3) of the Criminal Justice and Court Services Act 2000;

“order” includes directions of the court;

“order for maintenance pending outcome of proceedings” means an order under paragraph 38 of Schedule 5 to the 2004 Act;

“order for maintenance pending suit” means an order under section 22 of the 1973 Act^{M21};

“parental order proceedings” has the meaning assigned to it by rule 13.1;

“parental responsibility” has the meaning assigned to it by section 3 of the 1989 Act;

“placement proceedings” means proceedings for the making, varying or revoking of a placement order under the 2002 Act;

“principal registry” means the principal registry of the Family Division of the High Court;

“proceedings” means, unless the context requires otherwise, family proceedings as defined in section 75(3) of the Courts Act 2003;

“professional acting in furtherance of the protection of children” includes—

- (a) an officer of a local authority exercising child protection functions;
- (b) a police officer who is—
 - (i) exercising powers under section 46 of the Act of 1989; or
 - (ii) serving in a child protection unit or a paedophile unit of a police force;
- (c) any professional person attending a child protection conference or review in relation to a child who is the subject of the proceedings to which the information regarding the proceedings held in private relates [^{F32}];
- (d) an officer of the National Society for the Prevention of Cruelty to Children; [^{F33}or]

(e) [^{F34}a member or employee of the [^{F35}Disclosure and Barring Service], being the body established under [^{F36}section 87(1) of the Protection of Freedoms Act 2012];]

“professional legal adviser” means a—

- (a) barrister;
- (b) solicitor;
- (c) solicitor's employee;
- (d) manager of a body recognised under section 9 of the Administration of Justice Act 1985; or
- (e) person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the conduct of litigation (within the meaning of that Act),

who is providing advice to a party but is not instructed to represent that party in the proceedings;

“property adjustment order” means—

- (a) in proceedings under the 1973 Act, any of the orders mentioned in section 21(2) of that Act;
- (b) in proceedings under the 1984 Act, an order under section 17(1)(a)(ii) of that Act;
- (c) in proceedings under Schedule 5 to the 2004 Act, any of the orders mentioned in paragraph 7(1); or
- (d) in proceedings under Schedule 7 to the 2004 Act, an order for property adjustment under paragraph 9(2) or (3);

“protected party” means a party, or an intended party, who lacks capacity (within the meaning of the 2005 Act) to conduct proceedings;

[^{F37}“protection measure” has the meaning given to it in the Protection Measures Regulation;

“Protection Measures Regulation” means the Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters(1);]

“reporting officer” means an officer of the Service or a Welsh family proceedings officer appointed to witness the documents which signify a parent's or guardian's consent to the placing of the child for adoption or to the making of an adoption order or a section 84 order;

“risk assessment” has the meaning assigned to it by section 16A(3) of the 1989 Act;

^{F38} ...

“RSC” means the Rules of the Supreme Court 1965 as they appear in Schedule 1 to the CPR

^{F8} ...;

“section 8 order” has the meaning assigned to it by section 8(2) of the 1989 Act;

“section 84 order” means an order made by the High Court under section 84 of the 2002 Act giving parental responsibility prior to adoption abroad;

“section 89 order” means an order made by the High Court under section 89 of the 2002 Act—

- (a) annulling a Convention adoption or Convention adoption order;
- (b) providing for an overseas adoption or determination under section 91 of the 2002 Act to cease to be valid; or
- (c) deciding the extent, if any, to which a determination under section 91 of the 2002 Act has been affected by a subsequent determination under that section;

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“Service” has the meaning given by section 11 of the Criminal Justice and Court Services Act 2000;

F39 ...

“specified proceedings” has the meaning assigned to it by section 41(6) of the 1989 Act and rule 12.27;

“welfare officer” means a person who has been asked to prepare a report under section 7(1) (b) of the 1989 Act M22;

“Welsh family proceedings officer” has the meaning given by section 35(4) of the Children Act 2004.

(2) In these rules a reference to —

(a) an application for a matrimonial order or a civil partnership order is to be read as a reference to a petition for—

(i) a matrimonial order; [F40 or]

F41(ii)

(iii) a civil partnership order,

and includes a petition by a respondent asking for such an order;

(b) “financial order” in matrimonial proceedings is to be read as a reference to “ancillary relief”;

(c) “matrimonial proceedings” is to be read as a reference to a matrimonial cause F42

(3) [F43 Where] these rules apply the CPR, they apply the CPR as amended from time to time.

F44(4)

Textual Amendments

- F2 Words in rule 2.3(1) inserted (18.6.2011) by The Family Procedure (Amendment) Rules 2011 (S.I. 2011/1328), rules 1, 4(a)
- F3 Words in rule 2.3(1) inserted (20.12.2012) by The Family Procedure (Amendment No. 4) Rules 2012 (S.I. 2012/2806), rules 1, 4(a)
- F4 Words in rule 2.3(1) inserted (22.4.2014) by The Family Procedure (Amendment No. 3) Rules 2014 (S.I. 2014/843), rules 1, 4(a)
- F5 Words in rule 2.3(1) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, 4(a)(i) (with art. 137); S.I. 2014/954, art. 2
- F6 Words in rule 2.3(1) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No. 3) Rules 2014 (S.I. 2014/843), rules 1, 4(b)
- F7 Words in rule 2.3(1) inserted (20.12.2012) by The Family Procedure (Amendment No. 4) Rules 2012 (S.I. 2012/2806), rules 1, 4(b)
- F8 Words in rule 2.3(1) omitted (22.4.2014) by The Family Procedure (Amendment No. 2) Rules 2014 (S.I. 2014/667), rules 1, 3(a)(i) (with rule 45)
- F9 Words in rule 2.3(1) omitted (31.12.2020) by virtue of The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517), regs. 1(1), 3(2)(a); 2020 c. 1, Sch. 5 para. 1(1)
- F10 Words in rule 2.3(1) inserted (22.4.2014) by The Family Procedure (Amendment No. 3) Rules 2014 (S.I. 2014/843), rules 1, 4(d)
- F11 Words in rule 2.3(1) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, 4(a)(ii) (with rule 137); S.I. 2014/954, art. 2

- F12** Words in rule 2.3(1) omitted (1.8.2012) by virtue of The Public Bodies (Child Maintenance and Enforcement Commission: Abolition and Transfer of Functions) Order 2012 (S.I. 2012/2007), art. 1(2), **Sch. para. 125(a)**
- F13** Words in rule 2.3(1) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No. 3) Rules 2014 (S.I. 2014/843), rules 1, **4(e)**
- F14** Words in rule 2.3(1) omitted (31.12.2020) by virtue of The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517), regs. 1(1), **3(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in rule 2.3(1) substituted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **4(b)** (with rule 137); S.I. 2014/954, **art. 2**
- F16** Words in rule 2.3(1) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **4(a)(iii)** (with rule 137); S.I. 2014/954, **art. 2**
- F17** Words in rule 2.3(1) substituted (22.4.2014) by The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **4(c)** (with rule 137); S.I. 2014/954, **art. 2**
- F18** Words in rule 2.3(1) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **4(a)(iv)** (with rule 137); S.I. 2014/954, **art. 2**
- F19** Words in rule 2.3(1) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **4(a)(v)** (with rule 137); S.I. 2014/954, **art. 2**
- F20** Words in rule 2.3(1) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), rules 1, **4(a)(vi)** (with rule 137); S.I. 2014/954, **art. 2**
- F21** Words in rule 2.3(1) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No.3) Rules 2013 (S.I. 2013/3204), **rules 1. 4(a)(vii)** (with rule 137); S.I. 2014/954, **art. 2**
- F22** Words in rule 2.3(1) inserted (6.4.2012) by The Family Procedure (Amendment) Rules 2012 (S.I. 2012/679), rules 1, **3(a)(i)** (with rule 30)
- F23** Words in rule 2.3(1) inserted (6.4.2012) by The Family Procedure (Amendment) Rules 2012 (S.I. 2012/679), rules 1, **3(a)(ii)** (with rule 30)
- F24** Words in rule 2.3(1) inserted (11.1.2015) by The Family Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/3296), rules 1(2), **3(a)(i)** (with rule 15)
- F25** Words in rule 2.3(1) omitted (31.12.2020) by virtue of The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517), regs. 1(1), **3(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in rule 2.3(1) substituted (22.4.2014) by The Family Procedure (Amendment No. 2) Rules 2014 (S.I. 2014/667), rules 1, **3(a)(iii)** (with rule 45)
- F27** Words in rule 2.3(1) substituted (6.4.2020) by The Family Procedure (Amendment) Rules 2020 (S.I. 2020/135), rules 1, **3**
- F28** Words in rule 2.3(1) inserted (22.4.2014) by The Family Procedure (Amendment No. 2) Rules 2014 (S.I. 2014/667), rules 1, **3(a)(ii)** (with rule 45)
- F29** Words in rule 2.3(1) omitted (31.12.2020) by virtue of The Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517), regs. 1(1), **3(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in rule 2.3(1) substituted (1.7.2015) by The Family Procedure (Amendment) Rules 2015 (S.I. 2015/913), rules 1, **3** (with rule 14)
- F31** Words in rule 2.3(1) inserted (22.4.2014) by The Family Procedure (Amendment No. 3) Rules 2014 (S.I. 2014/843), rules 1, **4(c)**
- F32** Words in rule 2.3(1) substituted (6.4.2012) by The Family Procedure (Amendment) Rules 2012 (S.I. 2012/679), rules 1, **3(b)(i)** (with rule 30)
- F33** Word in rule 2.3(1) inserted (6.4.2012) by The Family Procedure (Amendment) Rules 2012 (S.I. 2012/679), rules 1, **3(b)(ii)** (with rule 30)
- F34** Words in rule 2.3(1) inserted (6.4.2012) by The Family Procedure (Amendment) Rules 2012 (S.I. 2012/679), rules 1, **3(b)(iii)** (with rule 30)
- F35** Words in rule 2.3(1) substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **30(2)(a)** (with Pt. 4)

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- F36** Words in rule 2.3(1) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **30(2)(b)** (with Pt. 4)
- F37** Words in rule 2.3(1) inserted (11.1.2015) by [The Family Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/3296\)](#), rules 1(2), **3(a)(ii)** (with rule 15)
- F38** Words in rule 2.3(1) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), rules 1, **4(a)(viii)** (with rule 137); S.I. 2014/954, **art. 2**
- F39** Words in rule 2.3(1) omitted (31.12.2020) by virtue of [The Family Procedure Rules 2010 and Court of Protection Rules 2017 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/517\)](#), regs. 1(1), **3(2)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F40** Word in rule 2.3(2)(a)(i) inserted (6.4.2015) by [The Family Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/3296\)](#), rules 1(3), **3(b)(i)(aa)** (with rule 15)
- F41** Rule 2.3(2)(a)(ii) omitted (6.4.2015) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/3296\)](#), rules 1(3), **3(b)(i)(bb)** (with rule 15)
- F42** Words in rule 2.3(2)(c) omitted (6.4.2015) by virtue of [The Family Procedure \(Amendment No. 4\) Rules 2014 \(S.I. 2014/3296\)](#), rules 1(3), **3(b)(ii)** (with rule 15)
- F43** Word in rule 2.3(3) substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rule 1, **3(b)** (with rule 45)
- F44** Rule 2.3(4) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **3(c)** (with rule 45)

Marginal Citations

- M1** 1973 c.18.
- M2** 1978 c.22.
- M3** 1984 c.42.
- M4** 1986 c.55.
- M5** 1990 c.37.
- M6** 1991 c.48.
- M7** 1996 c.27.
- M8** 2005 c.9.
- M9** 2008 c.22.
- M10** 1971 c.80.
- M11** Section 7(1)(a) was amended by section 74 of and paragraphs 87 and 88(a) of Schedule 7 to the [Criminal Justice and Court Services Act 2000 \(c.43\)](#) and section 40 of and paragraphs 5 and 6 of Schedule 3 to the [Children Act 2004](#).
- M12** Section 21(1) was amended by section 15 of and paragraph 2 of Schedule 2 to the [Family Law Act 1996](#) as amended by the section 84(1) of and paragraphs 64 and 65(1) to (8) of Schedule 12 to the [Welfare Reform and Pensions Act 1999 \(c.30\)](#).
- M13** Section 27(6) was amended by section 63(3) of the [Domestic Proceedings and Magistrates' Courts Act 1978](#).
- M14** Section 35 was amended by section 46(1) of and paragraph 13 of Schedule 1 to the [Matrimonial and Family Proceedings Act 1984](#) and section 261(1) of and paragraph 44 of Schedule 27 to the [Civil Partnership Act 2004](#) and section 66(1) of and paragraph 20 of Schedule 8 to the [Family Law Act 1996](#).
- M15** Section 10(2) has been prospectively repealed with savings by section 66(3) of and Schedule 10 to the [Family Law Act 1996](#).
- M16** 1985 c.61.
- M17** 2007 c.29.
- M18** Section 1 has been prospectively repealed by section 66(3) of and Schedule 10 to the [Family Law Act 1996](#).
- M19** Section 11 was amended by section 2(4) of the [Marriage Act 1983 \(c.32\)](#) and section 6(4) of the [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c.16\)](#) and section 261(1) of and paragraph 40 of Schedule 27 to the [Civil Partnership Act 2004](#) and section 12 was amended by section 148 of and paragraph 34 of Schedule 4 to the [Mental Health Act 1983 \(c.20\)](#) and sections 4(4) and 11 of and

- paragraphs 1 and 2 of Schedule 2 and paragraphs 4 and 5 of Schedule 4 to the [Gender Recognition Act 2004 \(c.7\)](#).
- M20** [Section 17](#) has been prospectively repealed by section 66(3) of and Schedule 10 to the Family Law Act 1996.
- M21** [Section 22](#) has been prospectively repealed by section 66(3) of and Schedule 10 to the Family Law Act 1996.
- M22** [Section 7\(1\)\(b\)](#) was amended by section 40 of and paragraphs 5 and 6 of Schedule 3 to the Children Act 2004.

Modification of rules in application to serial numbers etc.

2.4. If a serial number has been assigned under rule 14.2 or the name or other contact details of a party is not being revealed in accordance with rule 29.1—

- (a) any rule requiring any party to serve any document will not apply; and
- (b) the court will give directions about serving any document on the other parties.

Power to perform functions conferred on the court by these rules and practice directions

2.5.—(1) ^{M23}Where these rules or a practice direction provide for the court to perform any function then, except where any rule or practice direction [^{F45}or any other enactment] provides otherwise, that function may be performed—

- (a) in relation to proceedings in the High Court or in a district registry, by any judge or district judge of that Court including a district judge of the principal registry;

^{F46}(b) in relation to proceedings in the family court—

- (i) by the court composed in accordance with rules made under section 31D of the 1984 Act; or
- (ii) where Practice Direction 2A applies, by a single lay justice who is authorised as specified in rules made under section 31D of the 1984 Act.]

^{F47}(c)

(^{F48} ...)

[^{F49}(1A) The functions of the family court or a judge of the family court listed in Practice Direction 2C may be exercised by a justices’ legal adviser.]

(2) A deputy High Court judge and a district judge, including a district judge of the principal registry, may not try a claim for a declaration of incompatibility in accordance with section 4 of the Human Rights Act 1998 ^{M24}.

Textual Amendments

- F45** Words in rule 2.5(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 5\(a\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F46** Rule 2.5(1)(b) substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), [rules 1, 4](#) (with [rule 45](#))
- F47** Rule 2.5(1)(c) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No.3\) Rules 2013 \(S.I. 2013/3204\)](#), [rules 1, 5\(c\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)
- F48** Words in [rule 2.5\(1\)](#) omitted (6.4.2020) by virtue of [The Family Procedure \(Amendment\) Rules 2020 \(S.I. 2020/135\)](#), [rules 1, 4\(a\)](#)
- F49** [Rule 2.5\(1A\)](#) inserted (6.4.2020) by [The Family Procedure \(Amendment\) Rules 2020 \(S.I. 2020/135\)](#), [rules 1, 4\(b\)](#)

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Modifications etc. (not altering text)

C1 Rule 2.5 excluded (18.6.2011) by [The Magistrates' Courts \(Enforcement or Variation of Orders Made in Family Proceedings and Miscellaneous Provisions\) Rules 2011 \(S.I. 2011/1329\)](#), rules 1, 17 (with rule 3(2))

Marginal Citations

M23 1990 c.41. Section 9 was amended by section 15(1) of and paragraphs 211 and 213 of Schedule 4 to the Constitutional Reform Act 2005.

M24 1998 c.42. Section 4 was amended by section 40(4) of and paragraphs 66(1) and (2) of Schedule 9 to the Constitutional Reform Act 2005 and section 378(1) of and paragraph 156 of Schedule 16 to the [Armed Forces Act 2006 \(c.52\)](#) and section 67(1) of and paragraph 43 of Schedule 6 to the Mental Capacity Act 2005.

Powers of the single justice to perform functions under the 1989 Act, the 1996 Act, the 2002 Act and the Childcare Act 2006

2.6.—(1) [^{F50}A single lay justice who is authorised as specified in rules made under section 31D of the 1984 Act may perform the functions of the family court—]

- (a) where an application without notice is made under sections 10, 44(1), 48(9), 50(4) and 102(1) of the 1989 Act ^{M25};
- (b) subject to paragraph (2), under sections 11(3) or 38(1) of the 1989 Act;
- (c) under sections 4(3)(b), 4A(3)(b), 4ZA(6)(b), 7, 34(3)(b), 41, 44(9)(b) and (11)(b)(iii), 48(4), 91(15) or (17) or paragraph 11(4) of Schedule 14 of the 1989 Act;
- ^{F51}(d)
- (e) where an application without notice is made under section 41(2) of the 2002 Act (recovery orders);
- (f) where an application without notice is made for an occupation order or a non molestation order under Part 4 of the 1996 Act; or
- (g) where an application is made for a warrant under section 79 of the Childcare Act 2006;

(2) A single [^{F52}lay justice] may make an order under section 11(3) or 38(1) of the 1989 Act where—

- (a) a previous such order has been made in the same proceedings;
- (b) the terms of the order sought are the same as those of the last such order made; and
- (c) a written request for such an order has been made and —
 - (i) the other parties and any children's guardian consent to the request and they or their legal representatives have signed the request; or
 - (ii) at least one of the other parties and any children's guardian consent to the request and they or their legal representatives have signed the request, and the remaining parties have not indicated that they either consent to or oppose the making of the order.

(3) The proceedings referred to in paragraph [^{F53}(1)(a) and (c)] are proceedings which are prescribed for the purposes of section 93(2)(i) of the 1989 Act.

Textual Amendments

F50 Words in rule 2.6(1) substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, 5(a)(i) (with rule 45)

- F51** Rule 2.6(1)(d) omitted (22.4.2014) by virtue of [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **5(a)(ii)** (with rule 45)
- F52** Words in rule 2.6(2) substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **5(b)** (with rule 45)
- F53** Words in rule 2.6(3) substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **5(c)** (with rule 45)

Marginal Citations

- M25** [Section 10](#) was amended by section 139(1) of and paragraphs 54 and 56(a) (b) and (c) of Schedule 3 to the Adoption and Children Act 2002 and section 77 of the Civil Partnership Act 2004 and section 36 of the [Children and Young Persons Act 2008 \(c. 23\)](#).

[^{F54}Single lay justice: power to refer to the family court

2.7. Where a single lay justice—

- (a) is performing a function of the family court in accordance with rule 2.5(1)(b)(ii) or rule 2.6(1) or (2); and
- (b) considers, for whatever reason, that it is inappropriate to perform the function,

the single lay justice must refer the matter to the family court.]

Textual Amendments

- F54** Rule 2.7 substituted (22.4.2014) by [The Family Procedure \(Amendment No. 2\) Rules 2014 \(S.I. 2014/667\)](#), rules 1, **6** (with rule 45)

Court's discretion as to where it deals with cases

2.8. The court may deal with a case at any place that it considers appropriate.

Computation of time

2.9.—(1) This rule shows how to calculate any period of time for doing any act which is specified—

- (a) by these rules;
- (b) by a practice direction; or
- (c) by a direction or order of the court.

(2) A period of time expressed as a number of days must be computed as clear days.

(3) In this rule “clear days” means that in computing the numbers of days—

- (a) the day on which the period begins; and
- (b) if the end of the period is defined by reference to an event, the day on which that event occurs,

are not included.

(4) Where the specified period is 7 days or less and includes a day which is not a business day, that day does not count.

(5) When the period specified—

- (a) by these rules or a practice direction; or
- (b) by any direction or order of the court,

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for doing any act at the court office ends on a day on which the office is closed, that act will be in time if done on the next day on which the court office is open.

Dates for compliance to be calendar dates and to include time of day

2.10.—(1) Where the court makes an order or gives a direction which imposes a time limit for doing any act, the last date for compliance must, wherever practicable—

(a) be expressed as a calendar date; and

(b) include the time of day by which the act must be done.

(2) Where the date by which an act must be done is inserted in any document, the date must, wherever practicable, be expressed as a calendar date.

(3) Where “month” occurs in any order, direction or other document, it means a calendar month.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Family Procedure Rules 2010, PART 2.