

STATUTORY INSTRUMENTS

**2010 No. 2955**

**The Family Procedure Rules 2010**

**PART 2**

**APPLICATION AND INTERPRETATION OF THE RULES**

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

**2.5.—(1)** <sup>M1</sup>Where these rules or a practice direction provide for the court to perform any function then, except where any rule or practice direction [<sup>F1</sup>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;

[<sup>F2</sup>(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.]

<sup>F3</sup>(c) .....

[<sup>F4</sup>(Rules made under section 31O of the 1984 Act make provision for a justices' clerk to carry out certain functions of the family court or of a judge of the family court and for an assistant to a justices' clerk to carry out functions of a justices' clerk given under those rules, or by section 31O(2) of the 1984 Act.)]

(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 <sup>M2</sup>.

**Textual Amendments**

- F1** 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](#)
- F2** 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](#))
- F3** 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](#)
- F4** 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\(d\)](#) (with [rule 137](#)); S.I. 2014/954, [art. 2](#)

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**Status:** Point in time view as at 22/04/2014. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the  
The Family Procedure Rules 2010, Section 2. (See end of Document for details)

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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**

- M1** [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.
- M2** [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.

**Status:**

Point in time view as at 22/04/2014. This version of this provision has been superseded.

**Changes to legislation:**

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