

**2013 No. 1472 (L. 15)**

**FAMILY PROCEEDINGS**

**SENIOR COURTS OF ENGLAND AND WALES**

**COUNTY COURTS, ENGLAND AND WALES**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Family Procedure (Amendment No. 2) Rules 2013**

<i>Made</i> - - - -	<i>13th June 2013</i>
<i>Laid before Parliament</i>	<i>17th June 2013</i>
<i>Coming into force</i> - -	<i>8th July 2013</i>

The Family Procedure Rule Committee makes the following rules in exercise of the powers conferred by sections 75 and 76 of the Courts Act 2003(a), after consulting in accordance with section 79 of the Courts Act 2003(b):

**Citation and commencement**

1. These rules may be cited as the Family Procedure (Amendment No. 2) Rules 2013 and come into force on 8th July 2013.

**Amendments to the Family Procedure Rules 2010**

2. The Family Procedure Rules 2010(c) are amended in accordance with rules 3 to 6.

3. In rule 2.3(1)—

(a) in the definition of “financial order”—

(i) at the end of sub-paragraph (h), omit “or”;

(ii) at the end of sub-paragraph (i), for “;” substitute—

“; or

(j) an order for payment in respect of legal services;” and

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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 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c.4). Section 76 was amended by section 62(7) of the Children Act 2004, section 261(1) of and paragraph 172 of Schedule 27 to the Civil Partnership Act 2004 (c.33), section 12(2) of and paragraph 29 of Part 2 of Schedule 1 to the Constitutional Reform Act 2005 and section 25 of and paragraph 14 of Part 2 of Schedule 3 to the Children, Schools and Families Act 2010 (c.26).

(b) Section 79 was amended by sections 15(1) and 146 of and paragraphs 308 and 341(1) of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005.

(c) S.I.2010/2955.

(b) after the definition of “order for maintenance pending suit”, insert—

““order for payment for legal services” means an order under section 22ZA of the 1973 Act or an order under paragraph 38A of Part 8 of Schedule 5 to the 2004 Act;”.

4. In rule 9.7—

(a) in paragraph (1), at the end of sub-paragraph (d), for “; or” substitute—

“(da) an order for payment in respect of legal services; or”;

and

(b) For paragraph (2) substitute—

“(2) An application for an order mentioned in paragraph (1) shall be made using the Part 18 procedure.”

5. In rule 18.8(1)(b)(i), omit “interim”.

6. In rule 28.3(4)(b)(i), after “an interim periodical payments order” insert “, an order for payment in respect of legal services”.

*Richard Burton  
Paul Carr  
Martyn Cook  
Chris Darbyshire  
Bruce Edgington  
Sunita Mason  
David Salter  
Lucy Theis, J.  
Philip Waller  
John Wilson*

I allow these Rules

*Chris Grayling*  
Lord Chancellor

13th June 2013

#### **EXPLANATORY NOTE**

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

These rules amend the Family Procedure Rules 2010 by amending the definition of a “financial order” in rule 2.3(1) so that it includes an order for payment in respect of legal services under section 22ZA of the Matrimonial Causes Act 1973(a) or Part 8 of Schedule 5 to the Civil Partnership Act 2004(b), in consequence of the commencement of sections 49 to 54 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. These rules also make consequential

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(a) 1973 c. 18. Section 22ZA was inserted by section 49(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

(b) 2004 c. 33. Paragraph 38A of Schedule 5 (making provision equivalent to that in section 22ZA of the Matrimonial Causes Act 1973) was inserted by section 52(5) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

amendments to other rules so that they cover orders for payment in respect of legal services appropriately.

A full impact assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

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