

2014 No. 842

FAMILY COURT, ENGLAND AND WALES

**The Family Court (Constitution of Committees: Family Panels)
Rules 2014**

<i>Made</i> - - - -	<i>21st March 2014</i>
<i>Laid before Parliament</i>	<i>1st April 2014</i>
<i>Coming into force</i> - -	<i>22nd April 2014</i>

The Senior Presiding Judge, as nominee of the Lord Chief Justice under section 20(3) of the Courts Act 2003(a), makes the following Rules in exercise of the powers conferred by section 19(1) and (2) of the Courts Act 2003(b).

These Rules are made after consultation with the Lord Chancellor, the Criminal Procedure Rule Committee and the Family Procedure Rule Committee in accordance with section 20(2) of the Courts Act 2003.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Family Court (Constitution of Committees: Family Panels) Rules 2014 and come into force on 22nd April 2014.

(2) In these Rules—

“the 2007 Rules” means the Justices of the Peace (Training and Development Committee) Rules 2007(c);

“authorised” means authorised by the President of the Family Division, or nominated by or on behalf of the Lord Chief Justice, to conduct particular business in the family court; and

“family justice” means an authorised justice of the peace who is not a District Judge (Magistrates’ Courts).

Formation of family panels

2.—(1) Subject to rule 4, there shall be a committee, known as a family panel, for each local justice area.

(2) Subject to paragraph (3), the family panel shall consist of the family justices for the local justice area to which the family panel relates.

(a) 2003.c39. Section 20(3) was inserted by paragraph 321 of Part 1 of Schedule 4 to the Constitutional Reform Act 2005 (c.4)
(b) Section 19(2) was amended by paragraph 320 of Part 1 of Schedule 4 to the Constitutional Reform Act 2005 and by paragraph 86 of Schedule 10 to the Crime and Courts Act 2013 (c.22).
(c) S.I. 2007/1609. Relevant amending instrument is S.I. 2011/1493.

(3) An authorised District Judge (Magistrates' Courts) shall be a member of the family panel for a local justice area in which that judge is usually nominated by the Lord Chief Justice to sit as a justice of the peace, except where that local justice area is within the Greater London area.

(4) In paragraph (3), "Greater London area" means the local justice areas covering the London Boroughs listed in Part 1 of Schedule 1 to the 2007 Rules.

Meetings of family panels

3.—(1) A family panel shall meet as often as necessary but not less than twice a year.

(2) One of the meetings of the family panel, to be known as the family election meeting, shall take place between the 1st September and 30th November each year.

Combined family panels

4. The Lord Chief Justice may, on the application of the family panels concerned and after consultation with the relevant Delivery Director give approval for—

- (a) the formation of a combined family panel in respect of two or more local justice areas; or
- (b) the dissolution of a combined family panel.

Chairmen and deputy chairmen of family panels

5.—(1) The members of each family panel shall elect, by secret ballot, a chairman and one or more deputy chairmen in accordance with this rule, to hold office for a term of one year from the 1st January following the date of appointment.

(2) At each family election meeting, the members of the family panel shall decide—

- (a) whether the election in the following year shall take place—
 - (i) at the family election meeting; or
 - (ii) by postal ballot to be conducted prior to the family election meeting; and
- (b) if appropriate, the method of conducting a postal ballot.

(3) Nominations for the chairman and one or more deputy chairmen may be made by the members of the family panel to the justices' clerk.

(4) If a vacancy occurs in the chairmanship or deputy chairmanship, the members of the family panel shall, as soon as practicable, elect by secret ballot a chairman or, as the case may be, deputy chairman, to hold office for the remainder of the period for which the person replaced would have served.

Eligibility for re-election of chairman or deputy chairman

6.—(1) In this rule, "previous chairman" means a family justice who has held office as chairman of a family panel, whether established under these Rules or under the Family Proceedings Courts (Constitution of Committees and Rights to Preside) Rules 2007(a) prior to their revocation.

(2) A previous chairman shall not be eligible for re-election as chairman if, on 1st January after the election, that person will have held such office for periods totalling more than two years unless at least six years have elapsed since that person last held office.

(3) In any event, a previous chairman shall not be eligible for re-election as chairman if, on 1st January after the election, that person will have held office for periods totalling more than five years.

(4) A family justice who has held office as deputy chairman of a family panel, whether established under these Rules or under the Family Proceedings Courts (Constitution of Committees and Rights to Preside) Rules 2007 prior to their revocation, shall not be eligible for

(a) S.I. 2007/1610, amended by S.I. 2007/2621 and 2011/1495.

re-election as deputy chairman if on 1st January after the election that person will have held such office for periods totalling more than five years.

(5) For the purposes of this rule no periods of office held as chairman or deputy chairman, as the case may be, prior to 13th July 2007 shall be taken into account in determining eligibility for re-election as chairman or deputy chairman.

Conduct of ballots

7.—(1) Where two or more candidates have an equal number of votes in a ballot and the addition of a vote would entitle one of them to be elected, the justices' clerk for the local justice area shall decide between the candidates by lot.

(2) Where a ballot paper is returned unmarked or marked in such a manner that there is a doubt as to the identity of the family justice or family justices for whom the vote is cast, the ballot paper or the vote, as the case may be, shall be rejected when the votes are counted.

Functions of family panels

8.—(1) A family panel shall—

- (a) make recommendations to the FTDC, or if there is no FTDC, the BTDC for its local justice area, in relation to the number of new family justices required to sit and preside in the family court; and
- (b) liaise with other bodies in order to share information and represent the views of family justices sitting in the family court.

(2) In this rule—

“BTDC” means the Bench Training and Development Committee established in accordance with the 2007 Rules; and

“FTDC” means the Family Training and Development Committee established in accordance with the 2007 Rules.

Transitional provision

9. Where a combined family panel has been created prior to the coming into force of these Rules, then, subject to the provisions of these Rules, that family panel shall continue.

Gross, LJ
Senior Presiding Judge

21st March 2014

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make provision for the formation of family panels and for their meetings, chairmen and deputy chairmen and functions.

An impact assessment for these Rules is annexed to the Explanatory Memorandum, which is available alongside this instrument at www.legislation.gov.uk.

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