
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Family Procedure Rules 2010 (“the FPR”) ([S.I. 2010/2955](#)).

Rule 4 amends rule 2.5 of the FPR to refer to a practice direction making provision in relation to justices’ legal advisers carrying out specified functions of the family court. Rules 3, 25, 27 and 29 make associated or consequential amendments to the FPR.

Rule 5 amends the title to Part 5 of the FPR. Rule 7 inserts a new rule 5.7 into the FPR setting out requirements in relation to correspondence which is sent to the court by a party to proceedings.

Rule 12 substitutes rule 9.27 of the FPR with new provision in relation to the filing and service of estimates of costs and of particulars of costs at specified stages of proceedings for a financial remedy.

Rule 13 inserts a new rule 9.27A into the FPR, which makes provision for the making of open proposals for settlement in proceedings for a financial remedy. Consequential amendments are made by rules 10, 11 and 14.

Rules 16 and 20 amend rules 12.4 and 14.4 of the FPR to clarify that in the proceedings in which those rules apply, a direction can be applied for from that court that notice of proceedings need not be given to a person with foreign parental responsibility.

Rule 17 inserts new rule 12.42B into the FPR to specify a procedure for the High Court to set aside its orders made under the inherent jurisdiction where no error of the court is alleged.

Rule 18 inserts new rule 12.52A into the FPR to specify a procedure for the High Court to set aside orders for return or non-return of a child that it has made under the 1980 Hague Convention where no error of the court is alleged.

Rule 21 amends rule 14.21 of the FPR to reflect the fact that the directions referred to in that rule can be sought not just from the High Court but also the family court. Rule 24 amends rule 19.2 of the FPR consequentially on this amendment.

Rule 26 amends rule 25.5 of the FPR to insert reference to the fact that a new practice direction may make provision regarding expert evidence in relation to toxicology testing.

Rule 28 substitutes a new rule 27.9 into the FPR setting out the position in relation to recording family proceedings, obtaining transcripts of such proceedings and the making and sharing of informal notes of such proceedings.

Rule 30 inserts a new Part 41 into the FPR, which makes provision for a practice direction to set out procedures to be followed in relation to cases proceeding by electronic means. Associated and consequential amendments are made by rules 6, 8, 9, 15, 19, 22 and 23.