

2024 No. 1016 (L. 14)

FAMILY PROCEEDINGS

SENIOR COURTS OF ENGLAND AND WALES

FAMILY COURT, ENGLAND AND WALES

The Family Procedure (Amendment) Rules 2024

Made - - - - *8th October 2024*
Laid before Parliament *11th October 2024*
Coming into force in accordance with rule 1(3)

The Family Procedure Rule Committee makes the following Rules in exercise of the powers conferred by sections 75 and 76(8) of the Courts Act 2003(a), having fulfilled the requirements of section 79(1) of that Act.

Citation, extent and commencement

- 1.—(1) These Rules may be cited as the Family Procedure (Amendment) Rules 2024.
- (2) These Rules extend to England and Wales.
- (3) These Rules come into force as follows—
 - (a) this rule, rule 2 and rule 10 come into force on 11th November 2024; and
 - (b) rules 3 to 9 and rule 11 come into force on 13th January 2025.

Amendment of the Family Procedure Rules 2010

2. The Family Procedure Rules 2010(b) are amended in accordance with rules 3 to 11 of these Rules.

Amendment of Part 6

- 3.—(1) In rule 6.4 (method of service), after sub-paragraph (d), insert—

“(Rule 6.23A specifies how service is to be effected on a person where there are reasonable grounds to believe that person is residing in a refuge.)”.
- (2) After rule 6.23 (method of service) insert—

(a) 2003 c. 39. Section 75 was amended by paragraphs 308 and 338 of Schedule 4 and Part 2 of Schedule 18 to the Constitutional Reform Act 2005 (c. 4), paragraphs 83 and 91 of Part 2 of Schedule 10 to the Crime and Courts Act 2013 (c. 22) and paragraph 3(1) and (2) of Schedule 4 to the Judicial Review and Courts Act 2022 (c. 35).

(b) S.I. 2010/2955. Relevant amendments were made by S.I. 2013/530, 2013/3204, 2014/667, 2014/843, 2014/3296, 2015/1420, 2016/891, 2017/413, 2020/758, 2021/875, 2022/44, 2022/283, 2022/821 and 2023/61.

“Service on a person where there are reasonable grounds to believe that person is residing in a refuge

6.23A.—(1) This rule applies where documents must be served on a person where there are reasonable grounds to believe that person is residing in a refuge.

(2) This Part and any other rule or Practice Direction which makes provision regarding service apply subject to paragraphs (3) to (7).

(3) The court must give directions as to the method of service to be effected, including where a party seeks to serve an application form commencing proceedings.

(4) The court may not direct personal service in accordance with rule 6.23(a), unless it considers this to be necessary in exceptional and urgent circumstances.

(5) Where the court is considering directing personal service, the requirements in Practice Direction 6D apply.

(6) Where the court does not direct personal service, the court may direct that service be effected by the court by any of the following methods, in the following order of preference—

- (a) in accordance with rule 6.23(d), subject to the requirements in Practice Direction 6D;
- (b) in accordance with rule 6.23(b), subject to the requirements in Practice Direction 6D;
- (c) in accordance with rule 6.35.

(7) The address, name or other identifying details of the refuge where there are reasonable grounds to believe the party to be served is residing must not be disclosed to the party who seeks to serve a document, or that party’s solicitor.

(8) In this rule, the term ‘refuge’ has the same meaning given in Practice Direction 6D.”.

Amendment of rule 7.5(1)

4. In rule 7.5 (service of application), in paragraph (1), in the words in parenthesis, after “respondent” insert—

“, rule 6.23A specifies how service is to be effected on a person where there are reasonable grounds to believe that person is residing in a refuge”.

Amendment of rule 8.31

5. In rule 8.31 (service of the application), after paragraph (2) insert—

“(Part 6 of these Rules makes provision in relation to the method of service, and includes rule 6.23A which specifies how service is to be effected on a person where there are reasonable grounds to believe that person is residing in a refuge.)”.

Amendment of Part 10

6.—(1) In rule 10.3 (service of the application), in paragraph (1), after “to” insert—

“rule 6.23A and”.

(2) In rule 10.6 (service of an order), in paragraph (1), after “to” insert—

“rule 6.23A and”.

Amendment of Part 11

7.—(1) In rule 11.4 (service of applications on notice)—

(a) in paragraph (1)—

(i) for “paragraph” substitute “paragraphs”; and

(ii) after “(3)” insert “and (7)”;

(b) in paragraph (3), for “Service” substitute “Subject to paragraph (7), service”; and

(c) after paragraph (6) insert—

“(7) This rule is subject to rule 6.23A (which specifies how service is to be effected on a person where there are reasonable grounds to believe that person is residing in a refuge).”.

(2) In rule 11.7 (hearings and service of orders), in paragraph (3), after “must,” insert “subject to rule 6.23A,”.

(3) In rule 11.8 (orders made by the court of its own initiative), after paragraph (3) insert—

“(Rule 6.23A specifies how service is to be effected on a person where there are reasonable grounds to believe that person is residing in a refuge.)”.

Amendment of Part 12

8.—(1) In rule 12.8 (service)—

(a) in paragraph (2), after “proceedings,” insert “subject to rule 6.23A,”; and

(b) in paragraph (4), after “applies,” insert “subject to rule 6.23A,”.

(2) In rule 12.35 (service of enforcement orders or orders amending or revoking enforcement orders), in paragraph (3), after “otherwise” insert “and subject to rule 6.23A”.

Amendment of rule 14.5

9. In rule 14.5 (who is to serve), in paragraph (3), after “rule 6.23” insert “or rule 6.23A”.

Amendment of rule 30.3

10. In rule 30.3 (permission)—

(a) in paragraph (5A)(b)—

(i) in paragraph (ii) omit “or”;

(ii) in paragraph (iii) for “Judge,” substitute “Judge; or”; and

(iii) after paragraph (iii) insert—

“(iv) a Nominated Circuit Judge,”; and

(b) in paragraph (5C) before the definition of “Nominated FRC Circuit Judge” insert—

““Nominated Circuit Judge” means any circuit judge nominated by a Designated Family Judge in consultation with a Family Presiding Judge, and”.

Amendment of rule 37.5

11. In rule 37.5 (service of a contempt application), after paragraph (1) insert—

“(Rule 6.23A specifies how service is to be effected on a person where there are reasonable grounds to believe that person is residing in a refuge.)”.

*Sir Andrew McFarlane, President of the Family Division
Lord Justice Baker
Poonam Bhari
District Judge Birk
District Judge Foss
Graeme Fraser
Mr Justice Keehan
Jennifer Kingsley
Her Honour Judge Suh*

I allow these Rules

8th October 2024

Ponsonby
Parliamentary Under-Secretary of State
Ministry of Justice

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 3 inserts a new rule 6.23A into the FPR, which makes provision for service on a person where there are reasonable grounds to believe that person is residing in a refuge. Associated and consequential amendments are made by rules 4, 5, 6, 7, 8, 9 and 11.

Rule 10 amends rule 30.3 FPR to add a “Nominated Circuit Judge” as a further category of judge who may refuse permission to appeal without a hearing and, if the application is totally without merit, order that the applicant may not request that the decision be reconsidered at a hearing.

© Crown Copyright 2024

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty’s Stationery Office and King’s Printer of Acts of Parliament.

£5.78

<http://www.legislation.gov.uk/id/uksi/2024/1016>

ISBN 978-0-34-826416-6



9 780348 264166