

**2014 No. 3297 (L. 35)**

**FAMILY PROCEEDINGS**

**SENIOR COURTS OF ENGLAND AND WALES**

**FAMILY COURT, ENGLAND AND WALES**

**The Family Court (Composition and Distribution of Business)  
(Amendment) Rules 2014**

*Made* - - - - - *15th December 2014*

*Laid before Parliament* *18th December 2014*

*Coming into force* - - *11th January 2015*

The President of the Family Division, as nominee of the Lord Chief Justice under paragraph 2(2)(b) of Part 1 of Schedule 1 to the Constitutional Reform Act 2005<sup>(a)</sup>, makes the following rules in exercise of the powers conferred by section 31D(1) and (3) of the Matrimonial and Family Proceedings Act 1984<sup>(b)</sup>.

These Rules are made after consultation with the Family Procedure Rule Committee in accordance with section 31D(5)(b) of the Matrimonial and Family Proceedings Act 1984.

These Rules are made with the agreement of the Lord Chancellor in accordance with paragraph 2 of Part 1 of Schedule 1 to the Constitutional Reform Act 2005.

**Citation and commencement**

**1.** These Rules may be cited as the Family Court (Composition and Distribution of Business) (Amendment) Rules 2014 and come into force on 11th January 2015.

**Amendments to the Family Court (Composition and Distribution of Business) Rules 2014**

**2.** The Family Court (Composition and Distribution of Business) Rules 2014<sup>(c)</sup> are amended as follows.

**3.** After rule 12, in Part 5, insert—

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<sup>(a)</sup> 2005 c.4.

<sup>(b)</sup> 1984 c.42. Section 31D was inserted by paragraph 1 of Schedule 10 to the Crime and Courts Act 2013 (c.22).

<sup>(c)</sup> S.I. 2014/840.

## **“Interpretation of this Part**

### **12A. In this Part—**

“incoming protection measure” means a protection measure that has been ordered in a Member State of the European Union other than the United Kingdom or Denmark;

“protection measure” has the meaning given to it in the Protection Measures Regulation;

“Protection Measures Regulation” means Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters(a).”.

### **4. In rule 16—**

#### **(a) in paragraph (3)(a)—**

(i) in paragraphs (xiii) and (xiv), omit “or”;

(ii) after paragraph (xiv), insert—

“(xv) the Protection Measures Regulation made within or in connection with an application under sub-paragraph (xii); or

(xvi) Article 11 of the Protection Measures Regulation for adjustment of an incoming protection measure except where the applicant is aged under 18; or”  
; and

#### **(b) in paragraph (5)—**

(i) in sub-paragraph (b), for “.” substitute “;”; and

(ii) after sub-paragraph (b), insert—

“(c) the Protection Measures Regulation made within or in connection with an application under sub-paragraph (a) or (b);

(d) Article 11 of the Protection Measures Regulation for adjustment of an incoming protection measure where the applicant is aged under 18.”.

### **5. In Schedule 1—**

#### **(a) in paragraph 1—**

(i) in sub-paragraph (p), for “.” substitute “;”; and

(ii) after sub-paragraph (p), insert—

“(q) the Protection Measures Regulation for enforcement of an incoming protection measure.”; and

#### **(b) in paragraph 4—**

(i) in sub-paragraph (f), for “.” substitute “;”; and

(ii) after sub-paragraph (f), insert—

“(g) Article 13 of the Protection Measures Regulation.”.

### **6. In Table 3 of Schedule 2, after paragraph 5 insert—**

“6. Order under Article 13 of the Protection Measures Regulation refusing to recognise or enforce an incoming protection measure.”.

*James Munby, P*  
President of the Family Division

9th December 2014

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(a) OJ No. L181, 29.6.2013, p.4-12.

I agree,

15th December 2014

*Simon Hughes*  
Minister of State  
Ministry of Justice

## **EXPLANATORY NOTE**

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

These Rules amend the Family Court (Composition and Distribution of Business) Rules 2014 (S.I. 2014/840) (“the 2014 Rules”) to make provision in relation to the allocation in the family court of certain proceedings under Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12th June 2013 on mutual recognition of protection measures in civil matters (the “Protection Measures Regulation”).

Rule 3 inserts new definitions into Part 5 of the 2014 Rules related to the amendments made by rules 4 to 6.

Rule 4 adds a number of proceedings under the Protection Measures Regulation to the list of proceedings that may be allocated in accordance with rule 16 of the 2014 Rules.

Rule 5 adds certain proceedings to the list of proceedings that a particular judge may hear when the proceeding is allocated in accordance with rule 15 of the 2014 Rules.

Rule 6 adds an order under Article 13 of the Protection Measures Regulation to the list of remedies that only judges of High Court level may carry out when the proceedings are allocated in accordance with rule 15 of the 2014 Rules and notwithstanding that if there are existing or connected proceedings allocated to a lower level of judge, rule 17 of the 2014 Rules might otherwise have caused the proceedings to be allocated to that level.

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