

# FAMILY ORDERS PROJECT

## HOUSE RULES

1. The prescribed body of standard orders shall take effect on the date fixed for opening for business of the Family Court.
2. All orders made by the Family Court shall be in the standard forms for non-children and private children cases, as appended below. Specific variants will be devised and used for (among other cases), child abduction orders, forced marriage orders, public law orders, tipstaff orders, freezing and search orders, and Part IV FLA 1996 orders.
3. Where the order is made in the High Court in respect of a reserved matter the standard forms shall be used also, save that the name of the court shall be changed to The High Court of Justice, Family Division, Principal (or *[place]* District) Registry.
4. In a non-children case the order shall express the title of the case as
  - a. The Marriage of XX and YY, or
  - b. The Civil Partnership of XX and YY, or
  - c. The Relationship of XX and YY, or
  - d. The Family of XX and YY,
5. An order shall state in its heading the statute(s), or European Regulation(s), or Protocol under which the powers in question are exercised. It shall not state that the inherent powers of the court are being exercised.
6. Where a party was represented by an advocate, that advocate shall be named on the face of the order.
7. The order shall not recite the documents which the court read, or the witnesses who were heard, save in a case where an order is made without notice, in which case the details shall be recorded in a recital.
8. Where an order is made without notice the reason for withholding any notice must be recorded in a recital. Where an order is made on short notice the reason for withholding full notice must be recorded in a recital.
9. Parties:
  - a. The parties shall be specified in the first paragraph of the order.
  - b. The applicant for the relief in question shall be referred to in the order as the “applicant”; and the respondent shall be referred to as the “respondent”. The parties shall **not** be referred to by their titles in the main suit (i.e. petitioner and respondent) save in respect of orders made in the main suit.
  - c. Children shall be referred to by their first forename and surname.
  - d. The children’s guardian shall be referred to as “the guardian”.

- e. Other parties shall be referred to as first respondent, second respondent etc
10. If a party acts by a litigation friend or a child by a children’s guardian this must be stated in the first paragraph of the order.
  11. An order shall be consecutively numbered from 1 irrespective of whether the paragraph in question concerns a definition, recital, agreement, undertaking or order. Schedules, Annexes or Appendices should not be used unless their content is of very great length and would, if placed in the body of the order, disrupt its natural reading. An example would be an elaborate and very lengthy sequence of tax and other financial indemnities given in a financial remedy case.
  12. Subparagraphs, to two levels only, are permitted and shall be numbered (a),(b) etc, then (i), (ii) etc (with or without brackets).
  13. Every order shall begin with a definition paragraph of terms used in the order. Abbreviations may be used.
  14. Grammatical modality:
    - a. The following grammatical modality shall be used for imperative verbs: “The respondent shall pay/transfer etc”
    - b. The following grammatical modality shall be used for prohibitory verbs: “The respondent must not remove/ transfer/molest etc”.
  15. For the purposes of capitalisation the following style (consistent with the use in the FPR 2010) shall be used uniformly in respect of the judiciary, the courts, and legal representatives:

High Court judge  
 circuit judge  
 district judge  
 court  
 Court of Appeal  
 High Court  
 Family Court  
 county court  
 magistrates’ court  
 counsel  
 leading counsel  
 solicitor  
 petitioner  
 respondent  
 applicant  
 appellant  
 intervener  
 party/parties

16. An obligation to do an act as provided for in an order shall be taken to include causing the act to take place. Thus the phrase “or cause to be paid”, shall not be included in an order.
17. An obligation to do an act within a specified period shall state the actual date and time by which the act must be done.
18. Dates shall be specified without ordinal possessives and must use the full name of the month and the year in full form e.g. 17 May 2013 and not 17<sup>th</sup> May 2013 or 17/5/13 or May 17<sup>th</sup>, 2013 or “this 17<sup>th</sup> day of May 2013”. Times must be stated using the 24 hour format e.g, 17:00 or 12:00, not 5pm or noon.
19. Distances should be specified metrically up to 1,000 metres. Beyond that distance either system, statute or metric, may be used.
20. Monetary sums shall be denoted numerically, save that for sums expressed in millions the abbreviation “m” may be used. Other variants e.g. “M” or “millions” should not be used. Currencies shall be expressed by the usual symbols. Thus, for example, £, €, US\$ and A\$ should be used, not GBP, EUR, USD and AUD.
21. The body of orders should always be prepared in Times New Roman Font, 12 point, with single spacing. Justification should be used.
22. Although not grammatically pure the plural pronoun “their” should be used in a singular sense instead of “his or hers”.
23. Clear English (or Welsh in the Principality) should be used at all times. Archaic legal language (“the party of the first part”, “hereinabove”, “heretofore” etc) should be avoided.



**In the Family Court  
Sitting at [Place]**

**No:**

**The [name of statute] Act [year]**

**The Marriage/Civil Partnership/Relationship/Family of XX and YY**

*Adapt as necessary*

After hearing *[name the advocate(s) who appeared]*....

After consideration of the documents lodged by the parties

*(In the case of an order made without notice)* After reading the statements and hearing the witnesses specified in para x of the Recitals below

**ORDER MADE BY [NAME OF JUDGE] ON [DATE] SITTING IN OPEN COURT/PRIVATE**

**The parties**

1. The applicant is XX  
The respondent is YY  
The second respondent is ZZ  
*Specify if any party acts by a litigation friend*

**Definitions**

2.

3.

**Recitals**

4. *(In the case of an order made without notice)*
  - (a) This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent was *[set out]*
  - (b) The Judge read the following affidavits/witness statements *[set out]* and heard oral testimony from *[name]*.
5. *(In the case of an order made following the giving of short informal notice)*

This order was made at a hearing without full notice having been given to the respondent. The reason why the order was made without full notice having been given to the respondent was *[set out]*

6.

**Agreements**

7.

8.

**Undertakings to the court**

9.

10.

**IT IS ORDERED (BY CONSENT) / DECLARED (IN THE INTERIM) THAT:**

11.

Dated

*[Where undertakings have been given]*

**Notice pursuant to PD 33A para 1.4**

You XX, and you YY, may be sent to prison for contempt of court if you break the promise that have been given to the court

**Statements pursuant to PD 33A para 1.5**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

.....  
XX

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

.....  
YY



**In the Family Court  
Sitting at [place]**

**No:**

**The [name of statute] Act [date]**

**The Children**            **AA (a boy/girl born on dd/mm/yyyy)**  
                                 **BB (a boy/girl born on dd/mm/yyyy)**  
                                 **CC (a boy/girl born on dd/mm/yyyy)**

*Adapt as necessary*

After hearing *[name the advocate(s) who appeared]*....  
After consideration of the documents lodged by the parties  
*(In the case of an order made without notice)* After reading the statements and hearing  
the witnesses specified in para x of the Recitals below

**ORDER MADE BY [NAME OF JUDGE] ON [DATE] SITTING IN OPEN  
COURT/PRIVATE**

**The parties**

1.     The applicant is XX  
       The respondent is YY  
       The second respondent is ZZ  
       The third respondent is AA (acting by his/her guardian EE)  
       The third respondent is BB (acting by his/her guardian EE)  
       The fourth respondent is CC (acting by his/her guardian EE)  
       *Specify if any adult party acts by a litigation friend*

**Definitions**

- 2.
- 3.

**Recitals**

4.     *(In the case of an order made without notice)*
  - (a)    This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent was *[set out]*
  - (b)    The Judge read the following affidavits/witness statements *[set out]* and heard oral testimony from *[name]*.
5.     *(In the case of an order made following the giving of short informal notice)*

This order was made at a hearing without full notice having been given to the respondent. The reason why the order was made without full notice having been given to the respondent was *[set out]*

6.

**Agreements**

7.

8.

**Undertakings to the court**

9.

10.

**IT IS ORDERED (BY CONSENT) / DECLARED (IN THE INTERIM) THAT:**

11.

Dated

*[Where undertakings have been given]*

**Notice pursuant to PD 33A para 1.4**

You XX, and you YY, may be sent to prison for contempt of court if you break the promise that have been given to the court

**Statements pursuant to PD 33A para 1.5**

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

.....  
XX

I understand the undertakings that I have given, and that if I break any of my promises to the court I may be sent to prison for contempt of court

.....  
YY