



PRESIDENT OF THE
FAMILY DIVISION

PRESIDENT'S GUIDANCE

**APPOINTMENT OF GUARDIANS IN ACCORDANCE WITH RULE 9.5:
PRESIDENT'S GUIDANCE DATED 25TH FEBRUARY 2005: REVOCATION**

15TH APRIL 2008

- 1 The guidance issued by the President on 25th February 2005 in relation to the appointment of guardians under rule 9.5 of the Family Proceedings Rules 1991 ('rule 9.5) provides that, save in exceptional circumstances, an order made in the county court joining a child as a party to private law Children Act proceedings and directing the appointment of a guardian under rule 9.5 should be made by a circuit judge.
- 2 The guidance was issued as an interim measure in the light of concerns about the impact of the Practice Direction on Representation of Children in Family Proceedings issued on 5th April 2004. The President has reviewed the operation of the Practice Direction and is satisfied that it is no longer necessary or appropriate to maintain the restrictions provided for by the guidance.
- 3 Accordingly the guidance issued on 25th February 2005 is revoked with immediate effect and from the date of this revocation, an order made in the county court joining a child as a party in private law Children Act proceedings and directing the appointment of a guardian under rule 9.5 may be made by any appropriately nominated judge or district judge.
- 4 Where the court is considering whether to make an order joining a child as a party to proceedings under the Children Act 1989 which are not specified proceedings (within the meaning of section 41 of that Act) and directing the appointment of a guardian under rule 9.5, the court must have regard to the provisions of the Practice Direction on Representation of Children in Family Proceedings issued on 5th April 2004.

Issued by the President of the Family Division