INSTITUTE OF FAMILY LAW ARBITRATORS

NOTE CONCERNING THE 2016 RULES AND FORMS

IFLA has reviewed the Draft Children Scheme Rules and Form ARB1CS (used as the basis for training until now) and is issuing a revised version of the Children Rules and Form with effect from 18 July 2016, when the Children Scheme is launched.

Some points to note are as follows:

**Children Scheme Rules**

Art.8.3 There has been no change to the provision that the arbitrator may not meet with the child concerned.

Art.16.2 There is a new provision enabling the arbitrator to direct limited disclosure of documentation to persons and/or for purposes outside the arbitration.

Art.17.1 The safeguarding and welfare provisions have been developed and extended, although they remain based on the principle of self-declaration.

**ARB1CS**

Paras.7, 8.3 There is corresponding guidance to the parties concerning safeguarding and welfare together with space for the disclosure of relevant matters.

Para.8.4(b) The provision allowing an arbitrator to direct the parties to refer a determination to the court for a corresponding order has been removed.

New box There is a prominent notice immediately before the space for signatures alerting the parties to the binding and final nature of arbitration.

**Financial Scheme Rules**

In light of the introduction of the Children Scheme, a new edition of the original financial and property scheme (now re-named the ‘Financial Scheme’) Rules and Form are also issued, similarly with effect from 18 July 2016.

The only changes to the Financial Scheme Rules are those occasioned by the new names.

**ARB1FS**

There are similar consequential changes to ARB1, which becomes ‘ARB1FS’, as a result of the new names.

The only significant change is the introduction of a prominent notice immediately before the space for signatures alerting the parties to the binding and final nature of arbitration (in corresponding terms to the new box in ARB1CS).

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