

Changes to the IFLA Financial and Children Schemes Rules and Form ARB1s effective on 11 January 2021

Rule / Form	Change	Reason
<p>FS Art.4.3.1; CS Art.4.3.1.</p>	<p>Additional wording extending the arbitrator's duty to refer all approaches to IFLA.</p>	<p>To reinforce and clarify the duty of arbitrators to ensure that all approaches and new arbitration starts are referred to IFLA so that Form ARB1s may be completed.</p>
<p>FS Arts.13.3, 13.4; ARB1FS paras.6.4, 6.5; CS Arts.13.3, 13.4; ARB1CS paras.8.4, 8.5.</p>	<p>Additional and revised wording reflecting the Court of Appeal's judgment in <i>Haley v Haley</i> [2020] EWCA Civ 1369.</p>	<p>To reflect the Court of Appeal's conclusion that, in respect of awards relating to financial remedies under the Matrimonial Causes Act 1973, when requested to embody an award in a court order, the court may make not only incidental changes but may also conduct a substantive review resulting in extensive changes (including the substitution of the court's own discretion), or may refuse to make an order;</p> <p>To acknowledge (subject to further decisions and/or guidance) that Financial Scheme awards other than those relating to financial remedies may or may not attract a <i>Haley</i>-type review, and to leave those which would not unaffected.</p> <p>To reflect the understanding that in respect of determinations made under the Children Scheme, a court would always have a discretion as to whether, and in what terms, to make an order.</p>

ARB1FS Bold box, final sentence; ARB1CS Bold box, final sentence.	Sentence deleted.	To reflect the current position as to the finality of awards in both financial remedies and other types of case, following <i>Haley</i> .
FS Art.17.3.2	New paragraph.	To make provision in the FS Rules (corresponding to CS Art.18.4) concerning which Rules have precedence in the event of parallel arbitrations under both schemes involving one or more of the same parties.