



Section 40 (4) of the Civil Liability and Courts Act 2004 provides that “Nothing contained in a relevant enactment shall operate to prohibit a party to proceedings to which the enactment relates from supplying copies of, or extracts from, orders made in the proceedings to such persons and in accordance with such conditions (if any) as may be prescribed by order of the Minister.”

The above provision was introduced in order to alleviate the practical difficulty caused by the application of the *in camera* rule (adverted to in the decision in *Tesco -v- McGrath*) to the provision for conveyancing purposes of copies or extracts from court orders in family law cases.

The Minister has now made the relevant order under Statutory Instrument No. 338 of 2005 (entitled Civil Liability and Courts Act 2004 (Section 40(4)) Order 2005) and the persons specified in the schedule to the order have been prescribed for the purposes of section 40(4) of the Act of 2004.

A copy of such part only of an order or extract from an order as is necessary to enable the prescribed person concerned to perform his or her functions may be supplied to any person listed in the schedule, including a solicitor and the Land Registry. The prescribed person to whom such a copy is supplied shall not show or supply the copy to any person other than a person to whom it is necessary for it to be supplied or shown for the purpose of enabling the prescribed person to perform his or her functions.

Extracts from court orders in family law cases may now be exhibited in family law declarations without fear of breaching the *in camera* rule.

RESTRICTIONS EASED ON USE OF FAMILY LAW COURT ORDERS